

Pages: 1-227

ATLANTIC HIGHLY MIGRATORY SPECIES  
ADVISORY PANEL

February 9-11, 2004  
at  
Holiday Inn Express  
8777 Georgia Avenue  
Silver Springs, Maryland 20910

MONDAY, FEBRUARY 9, 2004

INDEX

TOPIC	PAGE
GREETINGS AND INTRODUCTIONS CHRISTOPHER ROGERS	3
SUMMARY INFORMATION CHRISTOPHER ROGERS	20
OVERVIEW OF ICCAT MEETING JOHN GRAVES	25
BYCATCH CHRISTOPHER ROGERS	50
GRAND BANKS COOPERATIVE RESEARCH RON RINALDO	53
ICCAT TUNA ASSESSMENTS MARK MURRY-BROWN	70
RECREATIONAL FISHERIES DATA COLLECTION ISSUES CHRISTOPHER ROGERS	85
SPOTTER PLANES CHRISTOPHER ROGERS	203

1 9:50 a.m.

2 \_\_\_\_\_  
3 GREETINGS AND INTRODUCTIONS

4 MODERATOR CHRISTOPHER ROGERS: Good  
5 afternoon. I'm Chris Rogers, Division Chief of the  
6 Atlantic Highly Migratory Species Management  
7 Division. I recognize most everybody here. We do  
8 have three new members to the panel. They're not  
9 new faces, I would think, by any means, but new to  
10 the panel this year. And they were Ken Hinman down  
11 there. Raise your hand, Ken. And Merry Camhi. And  
12 who else did we have? The third person is now  
13 escaping me. Raise your hand. Jog my memory. Oh,  
14 Don Nehls, there you are. I needed to see that  
15 face, and you were hiding on the side. So, welcome  
16 to our three new panel members.

17 We could, if the panel so desires, to  
18 go around the table with introductions. Okay. So,  
19 we'll start with our newest -- one of our newest  
20 members, Don Nehls. Just say hello and learn how to  
21 work the microphone. That's very important for  
22 getting your voices on tape so we can do the  
23 transcripts.

24 DON NEHLS: I'm Don Nehls with

1 Lindgren-Pitman based in Florida.

2 MARK SAMPSON: Mark Sampson, Ocean  
3 City Charterboat Captain's Association.

4 ROBERT MCAULIFFE: Bob McAuliffe,  
5 commercial longliner out of St. Croix, Virgin  
6 Islands. We also have the new Chairman of the  
7 Caribbean Council, but he must have got lost in the  
8 hotel, because I had breakfast with him. I know  
9 he's here.

10 ROBERT HUETER: Bob Hueter, Mote  
11 Marine Lab, and I want to know why we can't have the  
12 meeting down where he's from.

13 GLENN DELANEY: Glenn Delaney. I'm  
14 sitting in for Jack Devnew on the Billfish Panel.

15 NELSON BEIDEMAN: Nelson Beideman,  
16 Blue Water Fisherman's Association.

17 GAIL JOHNSON: Gail Johnson, Fishing  
18 Vessel Seneca.

19 HENRY ANSLEY: Henry Ansley, Georgia  
20 Department of Natural Resources.

21 RAYMOND KANE: Ray Kane, sitting in  
22 for Peter Weiss, General Category Tuna Association.

23 WILLIAM GERENCER: Bill Gerencer,  
24 Portland, Maine, commercial fishing.

1 RICHARD RUAIS: Rich Ruais with East  
2 Coast Tuna Association.

3 WILLIAM ETHERIDGE: Will Etheridge,  
4 commercial billfish appointee.

5 RUSSELL HUDSON: Russell Hudson  
6 representing the Directed Shark Fisheries HMS AP.

7 RAMON BONFIL: Ramon Bonfil, Wildlife  
8 Conservation Society.

9 KEN HINMAN: Ken Hinman, National  
10 Coalition for Marine Conservation.

11 ROBERT PRIDE: Rob Pride,  
12 recreational fisherman from Virginia, here  
13 representing the Mid-Atlantic Council for both HMS  
14 and Billfish.

15 PHIL GOODYEAR: Phil Goodyear,  
16 independent consultant.

17 ELLEN PEEL: Ellen Peel, Billfish  
18 Foundation, Billfish Panel.

19 RUSSELL NELSON: Russell Nelson, I'm  
20 on the HMS Panel. I'm also a fisheries consultant.

21 ROM WHITAKER: Ron Whitaker, Hatteras  
22 charter boat captain.

23 LOUIS DANIEL: Louis Daniel, North  
24 Carolina Division of Marine Fisheries.

1 JOSEPH MCBRIDE: Joe McBride, the  
2 Montauk Boatman's and Captain's Association in New  
3 York State.

4 FRANCIS BLOUNT: Frank Blount, New  
5 England Fisheries Council.

6 MICHAEL LEECH: Mike Leech,  
7 International Game Fish Association, HMS.

8 PAMELA BASCO: Pam Basco,  
9 International Game Fish Association, Billfish AP.

10 IRBY BASCO: Irby Basco, Texas, Gulf  
11 of Mexico Fishery Council.

12 SONJA FORDHAM: Sonja Fordham, the  
13 Ocean Conservancy, Washington, D.C., HMS Panel.

14 MERRY CAMHI: Merry Camhi, marine  
15 conservationist, freelancing consultant, and I'm in  
16 Long Island, New York.

17 WILLIAM UTLEY: Bill Utley,  
18 Harpswell, Maine, HMS, CCA.

19 JOHN GRAVES: John Graves, Virginia  
20 Institute of Marine Science, here representing the  
21 ICCAT Advisory Committee to both panels.

22 RANDY BLANKENSHIP: Randy  
23 Blankenship, Texas Parks and Wildlife Department.

24 RICK WEBER: Rick Weber, South Jersey

1 Marina, Billfish AP.

2 GLEN HOPKINS: Glen Hopkins,  
3 commercial fisherman.

4 MARK MURRAY-BROWN: I'm Mark Murray-  
5 Brown with Atlantic HMS, staff member working for  
6 Sustainable Fisheries.

7 JOHN DUNNIGAN: Jack Dunnigan, NOAA  
8 Fisheries.

9 MODERATOR CHRISTOPHER ROGERS: And we  
10 have several other HMS staffers, if you want to just  
11 stand up and be recognized as a group. I'll call  
12 your names out since you don't have access to the  
13 mikes. There's Chris Rilling and Ron Rinaldo, Sari  
14 Kiraly, Heather Stirratt and Joe DesFosse. We've  
15 got Russ Nelson here and Karyl Brewster-Geisz --  
16 excuse me, not Russ Nelson, Russell Dunn. There's  
17 too many Russes on my mind. You're now an employee.

18 Oh yes, and with us today is -- we  
19 have a new Sea Grant fellow on the Sea Grant  
20 Fellowship Program, Mike Clark. He's going to be  
21 helping us out with all the work that's going to be  
22 laid upon us at this three-day meeting. And we will  
23 try to get a replacement mike for down there.

24 JOHN DUNNIGAN: And a longer cord on

1       this one. Let me just note a couple of other folks  
2       from Fisheries who are in the audience. First of  
3       all, Jane DiCosimo, who's on the staff of the North  
4       Pacific Fishery Management Council, is doing a  
5       detail in our office and she wanted to come by. She  
6       -- before working for the North Pacific Council,  
7       Jane worked for the South Atlantic Council when they  
8       had the responsibility for doing the management  
9       planning for Atlantic Highly Migratory Species. And  
10      she wanted to see how things were going since she  
11      had left.

12               And Rebecca Shuford is on our  
13      international staff, and is going to be doing a lot  
14      of work in tunas, and so you may get a chance to see  
15      her, too. Thank you. Did I miss anybody on the  
16      staff?

17               MODERATOR CHRISTOPHER ROGERS: I also  
18      see we have Brian Fiedler from Coast Guard and Rich  
19      Broome from Northeast Fisheries Science Center. So,  
20      welcome, one and all.

21               As a matter of procedure, when we had  
22      circulated the draft agenda we did get some comment  
23      back from several AP members about elections of  
24      Chairs for this meeting. I talked to several panel



1 members about it. We've had this discussion several  
2 times in the past. For those who have been with us  
3 since the Magnuson Act was amended in 1996 that  
4 formally established the authority for the Secretary  
5 to have these panels for the Atlantic Highly  
6 Migratory Species may recall that in fact we did  
7 have an elected chair for the Billfish Panel and we  
8 a moderator, I believe. I can't remember who that  
9 was, but there was a moderator who helped us out  
10 with the HMS Advisory Panel.

11 But the Statement of Organizational  
12 Practices and Procedures, our SOPP's, that were  
13 circulated at last year's meeting do contemplate the  
14 possibility of having chairs for each of the panels  
15 and for voting procedures, but that largely the  
16 intent of the agency was to get feedback and advice  
17 from the panel with respect to a consensus-building  
18 approach.

19 So, at this point we'd like to open  
20 the agenda with respect to election of chairs.

21 UNIDENTIFIED: Thank you, Chris. Bob  
22 Zales and I both raised that issue and we do  
23 appreciate that you put it on the agenda. There  
24 does seem to be some misconception. In our

1 discussion, neither of us felt that these panels  
2 should change the mode of sort of consensus and  
3 widely diverse advice they gave and go to voting on  
4 issues; but nevertheless, having queried a number of  
5 our panel members, I find an overwhelming lack of  
6 enthusiasm for the idea and suggest that we save  
7 some time here and move on and let you continue to  
8 run the meetings.

9 MODERATOR CHRISTOPHER ROGERS: Okay.

10 Well, I was hoping to have the afternoon off and  
11 have two chairs set up here. But again, the SOPP's  
12 do allow for it, and for the most part since the  
13 FMP's were issued -- Billfish Amendment 1 and the  
14 HMS FMP that consolidated the shark and swordfish  
15 plan with the new tuna plan, we have tended to work  
16 in joint sessions in a sort of consensus-building  
17 fashion.

18 And for those who have experienced  
19 the -- (inaudible) -- meeting in Spain, the ICCAT  
20 meeting, they can see what happens when a party  
21 moves to block consensus and how that can really  
22 change the demeanor of a meeting such as this. So,  
23 to the extent that we can impose upon the panel to  
24 continue to work in a consensus-building fashion, it

1 really does assist the agency in gaining your input  
2 and hopefully applying it.

3 The objective of the meeting, again  
4 I'll remind folks that the Magnuson Act when amended  
5 in 1996 did establish these panels for the  
6 Secretary, and the purpose of the panels are to  
7 assist and advise the Secretary with respect to data  
8 collection and information relative to the  
9 development of fishery management plans and  
10 amendments. Since we have the plans in place,  
11 arguably we're working on the amendment end of  
12 things to the extent that the constituents  
13 represented on these two panels -- or constituent  
14 groups represented on these two panels have  
15 continuing issues that would require plan amendments  
16 or regulatory amendments.

17 For those familiar with the Council  
18 process, you do recognize that early on in the  
19 implementation of the Magnuson Act the concept of  
20 frameworks was developed and the intent was to  
21 assist and facilitate regulatory changes within the  
22 context of the fishery management plans that would  
23 have a little bit quicker turnaround time.

24 So, again to the extent that we will

1 invite the panel to discuss many issues during the  
2 course of the next three days, the intent of the  
3 agency would be to try to gain a sense of the  
4 interest of the constituent groups represented with  
5 respect to prioritization of the issues and  
6 potential options for solving any current issues in  
7 the fisheries for Atlantic Highly Migratory Species.

8 And we'll be ready to assist with  
9 respect to the question of whether these changes  
10 could be accomplished by regulatory amendment or  
11 plan amendment. This past year was rather  
12 ambitious. We did do Amendment 1 to the fishery  
13 management plan for Atlantic tuna, swordfish and  
14 sharks, and it was primarily a shark focused  
15 amendment, so we do realize that there are several  
16 issues with respect to tunas and/or swordfish and  
17 continued issues with sharks.

18 So, the next amendment to that plan  
19 can be a little bit broader in focus. We have  
20 Amendment 1 already for the Billfish Plan, so now  
21 we're up to Amendment 2 for both plans. And I know  
22 we have a lot of catching up to with many of the  
23 Councils that are well beyond single digits with  
24 respect to plan amendments. I guess if we can do it

1 right, we can stick to Amendment 2 and be done with  
2 it. Right?

3 Okay. First we were going to present  
4 some summary information. Rich Ruais.

5 RICHARD RUAIS: Thank you. Could we  
6 talk about the agenda for a minute before we adopt  
7 it, if that's okay.

8 MODERATOR CHRISTOPHER ROGERS: Okay.  
9 Sorry that I didn't raise that as a specific item.  
10 Yes, we did want to have some feedback on the  
11 agenda, first and foremost to make sure that the  
12 issues that your various groups are interested in  
13 are represented at least somewhere on the agenda.  
14 And whether or not there was any concerns about the  
15 structure or ordering of the meeting. So, Rich  
16 Ruais.

17 RICHARD RUAIS: Thank you. The first  
18 thing I wanted to do was say thank you for not  
19 keeping bluefin for the third day, and actually  
20 getting to it a little bit early. That's a pleasant  
21 development for us. We usually do have to wait till  
22 then, and we get anxious to try to provide some  
23 input. So, we're happy to see that.

24 The second is this is a pretty

1 considerable agenda, as I'm sure everybody realizes,  
2 and maybe given the agenda for the amendments over  
3 the next few years, it might be time to start  
4 thinking about two meetings a year as opposed to  
5 trying to do all of this in one meeting. I think by  
6 the time Wednesday rolls around, we're going to be  
7 exhausted, to say the least. And hopefully we'll  
8 get all the business done.

9 But I do note that on the final page  
10 of the agenda you've got a lot of issues that it's  
11 hard to even expect that we're going to get to by  
12 the time Wednesday rolls around. So, maybe it is  
13 time to start looking at two meetings a year as  
14 opposed to one.

15 The other thing I was going to ask --  
16 a couple of things, actually. One is you've got the  
17 spotter plane issue scheduled for tomorrow sometime  
18 in the morning, and I was going to ask that if it's  
19 at all possible if we could move that up to the end  
20 of today. We have someone here, one of the  
21 principals that is involved in that spotter plane  
22 agreement this year, and we're going to lose him if  
23 we don't get to it by the end of the day. So, that  
24 would be helpful to us.

1                   And I'd suggest that since this  
2 agenda is so large, as well, that we consider going  
3 later than 5:00 p.m. on the first day, since we're  
4 starting at 1 o'clock. Maybe we could make it to  
5 6:00 or 6:30 tonight and squeeze in a little more  
6 business today.

7                   The other thing is I had a couple of  
8 other issues that are not on here that if we do have  
9 time, possibly by Wednesday, and I know this is  
10 asking an awful lot, but from the tuna industry's  
11 perspective we'd like to ask the Advisory Panel to  
12 consider the herring forage fish issue that's kind  
13 of raging in New England, but I would suggest is  
14 also applicable to anywhere there are Highly  
15 Migratory Species fisheries. And I'd like to see  
16 the Advisory Panel provide some advice to the agency  
17 on that issue. It is a real-time issue for us right  
18 now.

19                   And the other one that's kind of a  
20 parochial issue, but again this is what we view the  
21 Advisory Panel for. We have a revision to the  
22 National Marine Sanctuary Stellwagen Bank area  
23 that's threatening to have considerable impact upon  
24 the tuna fishery and we think it's needless and we'd

8 MODERATOR CHRISTOPHER ROGERS: Okay.

18 (No response audible.)

22 JOSEPH MCBRIDE: Can everybody hear  
23 me or do you I need this thing here?

24



1 important to use the mikes so we get it on the tape  
2 for the transcripts.

3 JOSEPH MCBRIDE: A number of items I  
4 -- Jimmy Donofrio called me and asked me to call  
5 you and back up his request for some agenda items,  
6 some of which I see are on the agenda, not  
7 specifically. One is the problem with the general  
8 category shark tournaments. Is that -- that will be  
9 discussed, okay. The other one he requested -- he's  
10 not here, so I hope I'm phrasing it right for him --  
11 a handgear category for southern -- the swordfish  
12 fishery off Miami. I think that's what he's  
13 referring to. And I don't know whether he wanted to  
14 exclude anybody else, and I put a discussion on that  
15 particular issue, which I don't see on the agenda.

16 And the third thing -- the  
17 methodology -- the ICCAT methodology for the angling  
18 category reverting back to the year 2004, and I hope  
19 I'm quoting him correctly here stating that he has  
20 no objection to changing the methodologies, but it  
21 should begin in 2004, not revert back to 2002. And  
22 I certainly concur with that. I'd have a tremendous  
23 amount of problems finding out how we can go  
24 backwards with the quotas, and we could discuss --

1 if those could be included some time that's  
2 appropriate.

3 Two other items. One is in regard to  
4 the BAYS tuna fishery. There was a survey done by  
5 Dick Stone and Andy Loftus. I'd like to know the  
6 status of that and if it's possible a discussion of  
7 that, the results of that survey if it's available,  
8 et cetera, et cetera.

9 And secondly, in the ACCSP the use of  
10 the VTR's rather than accumulating more data and  
11 more time consuming, what have you, certainly for  
12 the for-hire boats and any other boat that's in that  
13 -- any other type of fisherman that's in that  
14 particular program from the -- basically from the  
15 for-hire surveys. I don't know if you do utilize  
16 that or you tend to utilize that. As it appears to  
17 us now, I have a big problem every time a new  
18 surveyor comes along, my guys say to me we just did  
19 the survey, we just sent it up and we sent it to the  
20 state. So, there's at least two copies available.  
21 Why are we going through this again? It's one thing  
22 to check on the authenticity of the VTR's, it's  
23 another thing just to --

24 MODERATOR CHRISTOPHER ROGERS: Okay,

1 Joe. We will make sure that we cover that on the  
2 agenda. We don't need to have the substantive  
3 discussion.

4 JOSEPH MCBRIDE: Okay, very good.

5 MODERATOR CHRISTOPHER ROGERS: I  
6 don't want to cut you off your thought, but there  
7 will be points -- several points on the agenda where  
8 we can discuss the recordkeeping and reporting, so  
9 I'll note that the handgear category, which is  
10 subject to limited access, we can address that under  
11 swordfish agenda and the general category and  
12 tournaments is reflected on the agenda. Methodology  
13 for the angling category catch estimation, the BAYS  
14 report from Dick Stone and Andy Loftus, and the VTR  
15 discussion, we can work those in under recordkeeping  
16 and reporting later on in the meeting. Any other  
17 points or concerns with respect to the agenda?

18 (No response audible.)

19 MODERATOR CHRISTOPHER ROGERS: Okay.  
20 Well then we'll get started. We have some summary  
21 information -- oh, Bob McAuliffe.

22 ROBERT MCAULIFFE: Yeah, the Chairman  
23 from the Caribbean Council is now here. I think he  
24 fell asleep. I'm not sure.

1 MODERATOR CHRISTOPHER ROGERS:

2 Welcome.

3 EUGENIO PINEIRO: My name is Eugenio  
4 Pineiro and I'm the Chairman of the Caribbean  
5 Fishery Council. I'm also a commercial fisherman.  
6 Thank you.

7 MODERATOR CHRISTOPHER ROGERS:

8 Pleased to have you with us today.

9 EUGENIO PINEIRO: Thank you.

10 \_\_\_\_\_  
11 SUMMARY INFORMATION

12 MODERATOR CHRISTOPHER ROGERS: Okay.

13 Just a quick mention of our SAFE Report that did  
14 come out and it was mailed to all panel members.  
15 That's our Annual Stock Assessment and Fishery  
16 Evaluation Report. We took a little bit different  
17 approach to try to avoid repeating too much from the  
18 last two years' reports and just updated those  
19 sections from last year's report that we had some  
20 new information for.

21 As I said, it was mailed to the  
22 individual panel members and it is available on the  
23 National Marine Fisheries Service website. So, we  
24 hope that you give that a thorough read, and if at

1 any point during the meeting you had any questions  
2 on that report, and certainly suggestions for  
3 improvement, what you think can or should be done  
4 with respect to content or presentation, please  
5 don't hesitate to let us know.

6 Just some summary information on our  
7 year of 2003. Since we last met, we did meet in  
8 September with respect to the HMS Panel to consider  
9 the Amendment 1, the shark regulations, but a lot of  
10 work was done for all the species since the panel  
11 last met in 2003. And the pages 8 through 11 of the  
12 SAFE Report highlight the number of Federal Register  
13 actions that were completed last year.

14 The rule on the recreational permits  
15 and recreational monitoring, mandatory catch  
16 reporting for the billfish and swordfish came on  
17 line last year.

18 Bluefin tuna incidental catch limits  
19 with respect to the pelagic longline fishery. That  
20 had been amended. Incidental catch limits -- excuse  
21 me, I just said that one. The print is rather small  
22 on this page.

23 VMS for pelagic longline vessels.  
24 That had been part of a prior rulemaking, but was

1 just implemented last year on September 1st, and we  
2 do have some information to report on implementation  
3 of that program. Many vessels have installed and  
4 are currently using the VMS and it has certainly  
5 given the agency a lot of real-time information, per  
6 se, as opposed to waiting for logbooks on fishing  
7 locations. So, that's been rather helpful.

8 Annual specifications for the bluefin  
9 tuna fisheries, where we set the quotas by category  
10 and did some other regulatory adjustments. We did  
11 have a separate regulatory amendment that was  
12 dealing with season start dates and incidental catch  
13 allowances for the large, medium sized fish, for  
14 those who follow bluefin tuna and know the nuances  
15 of all those size classes.

16 We also had a rule affecting  
17 reporting for exempted fishing permits and  
18 scientific research permits, just to ensure that the  
19 agency was able to effectively gather the  
20 information through the issuance of those  
21 exemptions, and be able to channel that back into  
22 management and potentially future rulemaking.

23 Then of course Amendment 1 to the HMS  
24 FMP, centering around the new shark stock assessment

1 and setting some new quotas and management measure  
2 for that fishery.

3 We also completed in 2003 the third  
4 year of an experimental fishery in the Northeast  
5 Distant Statistical Area, the Grand Banks fishery  
6 for swordfish, primarily targeting swordfish, and  
7 the experiment was aimed at reducing interactions  
8 and reducing post-release mortality for sea turtles.

9 We had hoped to have available to  
10 distribute at this very meeting our long-awaited HMS  
11 Identification Guides. We've been partnering with  
12 Rhode Island Sea Grant for that multi-year project.

13 It's going to be a beautiful document on waterproof  
14 stock, so something that not only looks good on your  
15 coffee table but is good in the wheelhouse.

16 That will be available shortly from  
17 Rhode Island Sea Grant. Evidently, the last snafu  
18 was getting some of that waterproof card stock for  
19 the covers, I guess. It will be \$25 plus \$3  
20 shipping and handling available from Rhode Island  
21 Sea Grant. However, we have ordered several copies  
22 and we'll be mailing a copy to each of the appointed  
23 and the ex officio panel members, as well as our own  
24 enforcement agent. And we're very hopeful that this

1 new guide with full-color plates will help with  
2 species identification, not only for the tunas, but  
3 especially for sharks. So, it will help us improve  
4 the level of species specific information we have on  
5 the shark fisheries.

6 Karyl Brewster-Geisz wants to add a  
7 note on the ID guide.

8 KARYL BREWSTER-GEISZ: I just want to  
9 let everybody know that we were supposed to have a  
10 sample to show today. If it arrives in FedEx today,  
11 Margo will hopefully be showing it. As all of you  
12 know, Margo Schulze-Haugen is the one who is in  
13 charge of this and getting it done, and spent a lot  
14 of time working on it. But it should be the whole -  
15 - all the boxes should be printed and mailed to us  
16 by the end of the week, so it is -- it really is  
17 done this time.

18 MODERATOR CHRISTOPHER ROGERS: Thank  
19 you, Karyl. At this point if there's no questions  
20 on our activities for 2003, I'm sure a lot of  
21 implementations for those actions that we'll weave  
22 through our ongoing discussions for what's up next  
23 in HMS, we thought we'd have a quick summary of the  
24 annual ICCAT meeting. Again, this is not the



1 committee that deals directly with ICCAT, but  
2 obviously since we are implementing constantly ICCAT  
3 recommendations in our domestic fisheries, there is  
4 some overlap with this panel, so we do have John  
5 Graves with us. Are you prepared to give us a quick  
6 overview of the wonderful meeting in Dublin,  
7 Ireland?

---

8  
9 OVERVIEW OF ICCAT MEETING

10 JOHN GRAVES: All right. Thanks a  
11 lot, Chris. Yeah, there's definitely a lot of  
12 overlap between the panel and the committee. In  
13 fact, several of the ICCAT Advisory Committee  
14 members are here, as well as our former Commercial  
15 Commissioner, Glenn Delaney, who slugged it out for  
16 us in Dublin.

17 What I want to do is just give a ten-  
18 minute or so recap of actually what transpired at  
19 the meeting. Going into it, in addition to having  
20 the regular ICCAT meeting in Dublin, we had a one-  
21 day intercessional on trying to develop integrated  
22 management measures for bluefin tuna, and so that  
23 preceded the meeting.

24 A major issue coming into it was the

1 election of the Executive Survey for ICCAT. That's  
2 a five-year term and can be repeated. And several  
3 different parties were putting up candidates and  
4 there was some blocked voting in that. And it has  
5 clearly an impact on the way that ICCAT will be run  
6 over the next five years or so.

7 In terms of the ICCAT Advisory  
8 Committee probably our single biggest element was to  
9 get a comprehensive trade measure passed through  
10 ICCAT. It's something we've been doing piecemeal  
11 for the last five or six years and putting it all  
12 together to cover all parties, whether members or  
13 nonmembers, in all species, and really attacked the  
14 market rather than the individual fisheries, but if  
15 we can control the fisheries, if we can control the  
16 market. And that was a major issue for us.

17 There had been assessments of  
18 albacore. ICCAT recognizes North Atlantic and South  
19 Atlantic stocks of albacore, and those both have  
20 been assessed. And so obviously there were going to  
21 be management measures relative to those. Bigeye  
22 tuna had a one-year management measure on it, which  
23 was going to expire and so we needed to do something  
24 with that. And of course always with the United

1 States compliance with existing management measures  
2 was important.

3 Now, the dynamics of the meeting, I  
4 think that for those of you that were there, it was  
5 a situation of hurry-up and wait. The United States  
6 put a lot of effort into the election of the  
7 Executive Secretary and that consumed the first part  
8 of the meeting.

9 On the other hand, the EC has been  
10 trying very hard to completely dominate the ICCAT  
11 meetings over the last several years. And this year  
12 it was in their lead delegates hometown or home  
13 country, anyways, Spencer, and he started off the  
14 meeting telling people look, we can get this meeting  
15 done in five days, we don't have to work through the  
16 weekend, not a problem, not a problem.

17 And wouldn't you know it that the EC  
18 dropped most of their resolutions and  
19 recommendations at the start of the weekend. So,  
20 they didn't -- nothing was even tabled for the first  
21 part of the week.

22 And so once again everything was  
23 deferred right until the end of the meeting and it  
24 was either you go with our way or nothing's going to

1 get passed. And actually in conversations previous  
2 to the ICCAT meeting, the EC had said that they  
3 would take the lead on several issues. Well, they  
4 took the lead, but the day before the meeting ended.

5 So, the first day before the actual  
6 meeting started was for the working group to develop  
7 integrated and coordinated management strategies for  
8 bluefin tuna. This was just a one-day meeting and  
9 obviously if you're going to incorporate the science  
10 and try to consider the ways that we might manage  
11 bluefin tuna in the Atlantic Ocean, rather than as a  
12 single stock or as two stocks, however you want to  
13 do it, it's going to take more than a day.

14 And with the inertia that's present  
15 in any ICCAT meeting, the first half of that one day  
16 was spent deciding who should really be the chair of  
17 this meeting. Would there be a special chair for  
18 this, would it be the chair of Panel 2, which  
19 considers bluefin tuna, would it be head of the  
20 SCRS? And once they got that worked out, then what  
21 the meeting actually accomplished was to agree upon  
22 a work plan. And to put that off until an  
23 intercessional meeting, which will be held the 17th  
24 to 20th of May this year in Marseilles, which will

1 include invited presentations from scientists and  
2 then a discussion -- a management discussion of how  
3 to incorporate those scientific presentations into a  
4 meaningful management scheme.

5 And in addition, through the meeting,  
6 a comprehensive bluefin research program was  
7 approved to the tune of about two million dollars a  
8 year, and that will run from three to five years.

9 Plenary, just go -- the overall part  
10 of ICCAT here, the new members that came in over the  
11 course of the year were Malta, Cypress, Turkey and  
12 Vanuatu. The election of the Executive Secretary,  
13 the United States had had a candidate and there were  
14 four other candidates: one from the EC, one from  
15 Mexico -- EC, US -- Japan and Morocco.

16 And the United States candidate was a  
17 very strong candidate, but we didn't -- we weren't  
18 really -- and our candidate would have been a good  
19 compromise candidate for most of the parties, but  
20 that wasn't how they voted. And the way the voting  
21 went was that they started with five and then after  
22 the first round of voting, it would go down to  
23 three. So, the candidates that secured the two  
24 lowest amounts of vote would be lost.

1                   And in our case, our candidate didn't  
2                   get the number of votes, nor did the Mexican  
3                   candidate, which left it with Morocco -- and Morocco  
4                   was essentially representing the group of developing  
5                   nations, and they have come together as a block and  
6                   they are sort of in the face, especially against the  
7                   EC. And so -- and Japan had a candidate in there,  
8                   and Japan's candidate actually couldn't even have  
9                   fulfilled the term of office, considering the age  
10                  restrictions. This individual would have surpassed  
11                  the age restrictions halfway through. But Japan was  
12                  just keeping him there sort of as an honor and a  
13                  placeholder. It was a political move.

14                 And so they essentially pulled him  
15                 out and told nobody to support him in the second  
16                 round of voting. And so it was really the EC  
17                 against the developing nations, and the EC lost.  
18                 And so Driss Meski from Morocco, who's been their  
19                 commissioner for -- oh, several years at ICCAT, will  
20                 be serving a five-year term. There is a one-year  
21                 probationary period and that will start this year.

22                 Also in plenary, we finally passed a  
23                 turtle resolution that the United States had put  
24                 forward a couple of years ago. And what it does is

1       it standardizes monitoring for interactions of  
2       turtles with ICCAT fisheries, and it also provides  
3       methods to share information that might reduce  
4       encounters or bycatch. Again, in the case of  
5       turtles, ICCAT has a mandate for monitoring, but  
6       management is not as clearly spelled out.

7               There was also in plenary a shark  
8       resolution passed. There will be an assessment of  
9       blue sharks and mako sharks by ICCAT this June.  
10      They noted the paucity of data that are available.  
11      They added in a meeting previous to the assessment.

12      And the resolution also called on all parties to  
13      implement their National Plans of Action for Sharks.

14      So, that came out.

15             And then also in plenary, as most of  
16      you are aware, that for the first time the United  
17      States will be hosting the ICCAT meeting this  
18      November in New Orleans.

19             There are four panels that deal with  
20      the various species at ICCAT. Panel 1 is the  
21      Tropical Tunas, so that will include yellowfin,  
22      bigeye and skipjack. In 2003, there was an  
23      assessment for yellowfin tuna, but they only had  
24      data through 2001, so again the assessment -- you

1 know, two years old for some of these fish isn't  
2 great. But the assessment was again that the  
3 biomass -- that current biomass is at near what  
4 you'd want for a maximum sustainable yield, so there  
5 were no management measures relative to yellowfin  
6 tuna.

7 The bigeye, though, we had a one-year  
8 recommendation, and so that had to be reauthorized.

9 And what was passed was basically a rollover. It  
10 was similar to the 2002 where most parties were to  
11 limit their catches to the '91/92 level, although  
12 there are specific limits for the People's Republic  
13 of China, Taiwan and the Philippines.

14 But -- and again, this was something  
15 that the EC put out very late and ICCAT has had a  
16 minimum size of 3.2 kilos for yellowfin and bigeye,  
17 and there is a tolerance of 15 percent. But in the  
18 surface fishery in the Gulf of Guinea, where they're  
19 wrapping schools of skipjack that also have small  
20 yellowfin and bigeye in there, you can't determine  
21 what the composition of the school is before you  
22 seine it up. And once the seine's been pursed, the  
23 animals are already in and probably you've exercised  
24 your mortality.



1                   Similarly with the bait boat, as they  
2 get into a hot spot of fish, they're not sitting  
3 there checking the identity of each one as they're  
4 flipping them over. So, the existing minimum size  
5 recommendation has not been adhered to at all. And  
6 in fact, close to 50 percent by number of the  
7 yellowfin and bigeye that are captured are under the  
8 minimum size. And that's Atlantic-wide. But most  
9 of that occurs in the Gulf of Guinea.

10                  And so the SCRS asked us to consider  
11 other ways of implementing the minimum size that  
12 might make sense, and actually you might have  
13 compliance with. There will be an assessment of  
14 bigeye in 2004. That was moved up. And there'll be  
15 -- the current three-month closure on fishing on  
16 FAD's in the Gulf of Guinea will remain in effect.

17                  Panel 2 are the Northern Temperate  
18 Tunas, and for our purposes that's northern albacore  
19 and bluefin. With northern albacore, we need to  
20 have a recommendation. There had been an assessment  
21 -- again a problem with the assessment in data. And  
22 this was a theme throughout the year that reporting  
23 -- reporting is getting worse and worse by a lot of  
24 countries. And so if you don't have the data, you

1       can't have a meaningful assessment.

2               And in the case -- and really for  
3       northern albacore, 90 percent of that fishery is the  
4       EC. So, you wouldn't think it would be that hard to  
5       get the data to the table.

6               And in the case of northern albacore,  
7       we were a little worried because catches have  
8       declined over the last couple of years in that  
9       fishery, as well as the CPUE. And so if you have  
10      declining catches and declining CPUE's, that can be  
11      a trajectory of a collapsing fishery. And so we  
12      wanted to be sure that we had some sort of decent  
13      management measures in place. But the EC wasn't as  
14      concerned about the drop in catches, indicating that  
15      they had removed their driftnet fishery and that  
16      there had been bad weather, so their fishermen  
17      couldn't get out to the fish. And that was  
18      responsible for both the drop in the overall catches  
19      as well as the CPUE.

20              Again, we were ready to go with the  
21      management measure, but we decided not to do it  
22      early on, because the EC said they were going to do  
23      it. And when they finally put one out, it had a TAC  
24      at 34.5, which is the estimated replacement yield,

1 but that's not taking into account the last couple  
2 of years of data, and it certainly -- even on the  
3 previous data doesn't allow for any kind of  
4 rebuilding.

5           The United States still retains its  
6 flexibility. We have our quota of 607 metric tons,  
7 but we can roll over. We are very concerned because  
8 the EC had almost -- what, 20 something thousand  
9 tons of latent harvest that they hadn't taken in the  
10 last few years, which is approaching what their  
11 overall annual quota is. And so when you're  
12 building up that kind of a latent harvest in a  
13 fishery, you could decimate it.

14           And so we wanted some way of  
15 preventing stockpiling and what we negotiated was  
16 that during any year that a country could not exceed  
17 its quota by putting underages to it of more than 50  
18 percent. And there will be an assessment of both  
19 northern and southern albacore in 2005.

20           This wasn't a big bluefin year, but -  
21 - you know, there's nothing small about bluefin. It  
22 always takes up a lot of time at the Commission  
23 meetings, and this year a lot -- there was a lot of  
24 consternation regarding farming and that there needs

1 to be better monitoring of farming, as well as  
2 reporting. And to make sure that they don't double-  
3 report some of the fish, as well.

4 So, now that there's going to be much  
5 better monitoring in terms of transferring from the  
6 vessels to the cages so there'll be submission of  
7 vessel logs, there'll be caging declarations and  
8 also observers involved, at least for part of the  
9 transfers.

10 There'll be a list. Each country  
11 will have a list of authorized facilities. And  
12 there will be a change in the bluefin statistical  
13 document, which will acknowledge farmed fish. And  
14 again, farming had been one way possibly of  
15 laundering IUU fish, and that's something that  
16 they're trying to close out.

17 In the south, southern albacore,  
18 since southern bluefin's got its own Commission,  
19 Panel 3 only looks at southern albacore, and they  
20 extended a recommendation again for one year. They  
21 have not done an allocation exercise with southern  
22 albacore. They hope to do that this year in a  
23 workshop. They rolled over the TAC at 29.2 thousand  
24 metric tons, which is replacement yield. The United

1 States has a hundred metric tons in that fishery,  
2 which we -- you know, we rarely get four or five  
3 percent of that, but we have that.

4 But the big thing is, is there's a  
5 great deal of interest in the developing nations to  
6 use southern albacore as a test case for developing  
7 allocation criteria in some sort of formulaic  
8 approach. It's doubtful whether there'll get to a  
9 formulaic approach, but it would be nice to have  
10 that exercise undertaken before we get to the  
11 meeting in November.

12 Panel 4, swordfish, billfish and  
13 other species. Not a lot of activity in Panel 4  
14 this year. There was some discussion of the marlin  
15 rebuilding plan. It was noted that the anticipated  
16 reduction in landings due to the mandated live  
17 release of white marlin and blue marlin doesn't  
18 necessarily appear to be happening. And there's  
19 some reasons that could be. There could be more  
20 fish out there than we thought. But certainly there  
21 was a stated need for observer coverage, or else  
22 there won't even be any data for the upcoming  
23 assessment.

24 Some countries, Brazil in particular,

1 pointed out that they have -- no longer have  
2 commercial retention of billfish, live or dead. And  
3 they've also put in serious restrictions on  
4 retention within the recreational fishery.

5 And while that's good news, there was  
6 -- you know, that's taken on the other side you have  
7 an artisanal fishery in Ghana, which reported  
8 landings of 990 metric tons of blue marlin, which is  
9 pretty much what the productivity of the stock is by  
10 itself, so -- and again, the current management  
11 measures apply to the industrialized fisheries, but  
12 give exemptions for artisanal fisheries. But here's  
13 an artisanal fishery that appears to eclipse the  
14 catch or the landings of all of the industrialized  
15 fisheries.

16 Permanent Working Group or PWG is a  
17 part of ICCAT that deals with nonmember nations,  
18 their fishing. They continued IUU trade sanctions  
19 on Bolivia, Cambodia, Sierra Leone. New sanctions  
20 for Georgia, not the state, the country, were put  
21 into place on bigeye tuna. And a couple of  
22 countries that had been -- trade sanctions had been  
23 put in place against them, those were removed  
24 because of behavior of those countries, and that was

1 Belize as well as Saint Vincent and the Grenadines.

2 There are three countries that  
3 haven't had effort reported in the Atlantic before  
4 were noted for having effort into overfished  
5 fisheries. Those were Costa Rico, Cuba and Togo.  
6 Those have -- were sent letters of notification.  
7 They have a year to respond, and if they do not  
8 properly respond, then trade sanctions can be put  
9 into place.

10 In addition, within Permanent Working  
11 Group, a measure adopted to prohibit the landings  
12 and transshipments or farming of IUU fish. And so  
13 this is giving each party the opportunity to close  
14 their doors to IUU fish.

15 Compliance Committee. This year it  
16 worked pretty well. I think countries fessed up to  
17 their overages and those were removed from their  
18 quota. It was amazing. They went around the table  
19 and said yeah, we screwed up and this is what we're  
20 doing about it. And so, you know, to Glenn and  
21 Rollie Schmitten, who put in a lot of time to get  
22 our compliance measures, it was nice to see the  
23 process actually working.

24 Of course, there's always someone

1       who's going to try to get a little more out of it,  
2       and so we had to get clarifications as the EC wanted  
3       to carry forward their autonomous quotas. This was  
4       a time when we did -- you know, we had a breakdown,  
5       we didn't have a real management measure in place,  
6       and countries were asked to just name their quota.  
7       So, they named a high quota, they didn't fish it,  
8       they want to carry that forward.

9               Well, we had agreed that there would  
10       not be carry-forward of autonomous quotas, and so in  
11       the case of the eastern Atlantic stock of bluefin  
12       tuna, that was a saving of 3400 metric tons, and in  
13       the southern swordfish, where it went for a period  
14       of a couple of years where there were autonomous  
15       quotas, and those were not allowed to be rolled  
16       forward, that's a savings of about 6500 metric tons.

17       Good thing.

18               Over the last couple of years,  
19       there's been joint meetings of PWG and Compliance,  
20       and that's because some of these measures that are  
21       applied to both member and nonmember states, if we  
22       want to have complete transparency we have to treat  
23       everybody the same.

24               And so the big thing this year was



1 the adoption of a comprehensive trade measure. And  
2 it consolidates and broadens the existing measures  
3 that we have, which were basically done on specific  
4 fisheries. It applies to both member and nonmember  
5 nations. It allows for trade restrictive measures,  
6 but that's sort of the last -- the last approach.

7 The first few approaches could  
8 involve any number of things, including reducing  
9 quotas. So -- but what it does is, it gives the  
10 managers a full toolbox of options to apply, and  
11 they don't have to go through each fishery and get a  
12 recommendation specific to that. They have those  
13 tools available now.

14 And so that will hopefully make a big  
15 dent in IUU fishing, as well as member nations,  
16 which continually exceed their quotas or things like  
17 that. So, this is a big measure for ICCAT, a big  
18 step. And that really was the keystone, I think, of  
19 the meeting. And if -- you know, Glenn, if you'd  
20 like to say a few words, you were in the trenches  
21 the entire time, slugging it out, as well as any of  
22 the other committee members that were there. But it  
23 was a tough meeting, but I thought we came out okay.

24 Thank you.

1                   GLENN DELANEY: I have nothing to  
2                   add, John, and I'm sure everybody's heard more than  
3                   they wanted to know about the ICCAT meeting. But I  
4                   appreciate -- your presentation was excellent.

5                   UNIDENTIFIED: A couple of things,  
6                   John. One thing for Chris that at some point -- I'm  
7                   not sure if it's on the agenda or not, I don't think  
8                   it is. But at some point if we could get an update  
9                   on the implementation of the 2002 ICCAT white  
10                  list/black list IUU measures, that would be real  
11                  good.

12                 Secondly, I'm not sure if once we  
13                 implement the comprehensive prohibition package from  
14                 this year whether or not we're at the point that I  
15                 think -- my fishery thinks that we need to be,  
16                 basically that if a nation were to be noncompliant  
17                 on say swordfish, that we would lock out other ICCAT  
18                 species, bigeye tuna, yellowfin tuna, as well as  
19                 swordfish. Because that's probably where ultimately  
20                 we need to be.

21                 And the third thing that I thought  
22                 I'd at least mention, because I know there's going  
23                 to be a lot of discussion about recreational  
24                 numbers, data collection at this meeting, and it was

1 interesting at the ICCAT meeting there were several  
2 proposals that were brought up and killed -- they  
3 weren't passed -- about recreational. One proposal  
4 was no commercial type gears, no sale of  
5 recreational catches, better landings catch data.  
6 And U.S. took reservation to that particular  
7 proposal and other proposals that had to do with  
8 recreational monitoring, reporting. Basically I was  
9 told that it was offensive language in the chapeau  
10 (phonetic), which it was, it was terrible. Plus the  
11 timing, the EU didn't bring this stuff up until the  
12 very last day.

13 But they did vow to bring it up  
14 again. So, just one more reminder that other  
15 countries are watching what we are able or not able  
16 to do as far as keeping track of our catches --  
17 landing and catches accurately.

18 UNIDENTIFIED: Chris, I had a  
19 question.

20 MODERATOR CHRISTOPHER ROGERS: Rich  
21 Ruais.

22 RICHARD RUAIS: I was just going to  
23 second Glenn's point that, John, that was an  
24 excellent summary and I'm glad you spent a lot of

1 time on the bluefin farm issue, because it's a  
2 pretty significant issue. The development of  
3 farming of bluefin from the wild has been nothing  
4 short of astronomical. They've gone from basically  
5 nothing -- almost nothing, with the exception of  
6 Croatia, to 24 to 25,000 metric tons a year, and the  
7 control has been very loose. And I think a baby  
8 step was taken this year to get us moving in the  
9 right direction. But we're still not requiring a  
10 technical determination of the fish that are going  
11 into the cage. It's really still an estimation  
12 process, and that's full of pitfalls for abuse over  
13 time. But we are -- we are making some progress  
14 there.

15 The other aspect of the farming issue  
16 is you can take a look at your SAFE Report and see  
17 the impact it's had on the marketplace. It's  
18 absolutely devastated the price for bluefin tuna for  
19 countries like the United States. We've gone from -  
20 - in 1996, according to the SAFE Report, almost  
21 \$11.00 a pound to the vessels, down to about six  
22 bucks in 2002. And 2003 is even worse. And that's  
23 primarily the effect of oversupply and being able to  
24 provide this steady production year-round coming

1 from the farms into the Japanese auctions. Thank  
2 you.

3 MODERATOR CHRISTOPHER ROGERS: Thank  
4 you, Rich. Irby Basco.

5 IRBY BASCO: Thank you, Chris. John,  
6 I had just a question about Ghana. The whole  
7 country must be fishing artisanal -- 990 metric  
8 tons? What gear do they use on that; do you know?

9 JOHN GRAVES: They're using both  
10 small set lines as well as nets, and they're from  
11 dugouts that are taken off the beach.

12 MODERATOR CHRISTOPHER ROGERS: Yes,  
13 briefly to that point, the U.S. did raise a concern  
14 about possibly defining artisanal fisheries in the  
15 event that artisanal fisheries are exempted in the  
16 future from management recommendations, and that the  
17 definition needed to look at not only the scope of  
18 landings, but also the gear used as well as the  
19 destination or disposition of the product.

20 Certainly we would not view an  
21 artisanal fishery getting involved in an export  
22 market, that it would be for local subsistence only.

23 So, that remains to be seen how ICCAT can tackle  
24 and address that definition of artisanal fisheries.

1 I had Ramon and then Mike Leech.

2 RAMON BONFIL: Thanks, Chris. I just  
3 want to make a recommendation that I don't know if  
4 it is a little bit too late, but regarding the shark  
5 stock assessment for pelagics that ICCAT is supposed  
6 to do later this year. You have -- or maybe it's  
7 still good to make a recommendation officially  
8 through the U.S. delegation to ICCAT similar to the  
9 one that was made for improving data gathering.

10 And I read here in the update of the  
11 SAFE Report there is a joint fund that is being set  
12 up in ICCAT for developing countries to improve  
13 their data collection systems. The problem of data  
14 collection systems and reporting to ICCAT is  
15 pervasive and is not only regarding developing  
16 countries. You mentioned, John, that -- I think it  
17 was for albacore or one of the tuna species you  
18 mentioned, EC. The EC, one of -- or the most  
19 developed parts of the world is not complying with  
20 providing the data.

21 The same situation happens with  
22 sharks. I was in the 2001 ICCAT meeting of data  
23 gathering for the shark stock assessment. In the  
24 meeting there were three or four countries. Most of

1 the EC and particularly Spain, which is one of the  
2 major fleets with bycatch of sharks throughout the  
3 world, they just weren't present. And the data is  
4 not even available.

5 I'm sure that coming June in Tokyo  
6 we're going to sit down around the table and again  
7 we're going to be looking at our face and saying  
8 well, we have like one third or one fourth of the  
9 information. Let's go for another meeting in three  
10 years and let's hope that those countries that  
11 didn't come comply and bring the data. And this is  
12 going to go on and on and on.

13 My proposal is that the U.S. takes  
14 the lead and puts some really specific pressure in  
15 all ways possible to make sure that this happens.  
16 Because this joke is almost ten years old that ICCAT  
17 is doing something about sharks. In reality,  
18 nothing has been done really.

19 MODERATOR CHRISTOPHER ROGERS: Thank  
20 you, Ramon. Mike Leech.

21 MICHAEL LEECH: Yeah, thank you.  
22 John Graves kind of passed over quickly his comment  
23 that the anticipated reduction in landings due to  
24 live release on longlines doesn't appear to be

1       working.

2                       Well, if I'm not mistaken, that was  
3       the whole point of IGF -- of United States  
4       negotiating our 250 fish limit so the other  
5       countries on their part would start reducing the  
6       landings of billfish, blue and white marlin. And if  
7       in fact that is not working, is anything being done  
8       about it to start enforcing that? And otherwise,  
9       what's the point of this great rigmarole we're going  
10      through for the recreational landings count?

11                     And the other thing is I'm just  
12      absolutely appalled at this Ghana landings of blue  
13      marlin. And was anything said? Is any  
14      recommendations made to -- you know, address that?  
15      I mean it's unbelievable.

16                     MODERATOR CHRISTOPHER ROGERS: Well,  
17      yes, the discussion about what constitutes an  
18      artisanal fishery was had, and it was decided that  
19      we need to work on a definition. And then obviously  
20      when future management recommendations are made and  
21      a discussion ensues about whether or not to exempt  
22      an artisanal fishery, we'll have a good  
23      understanding of what we're talking about there.

24                     So, we hope that some progress will



1 be made before next year's meeting, at least with  
2 contracting parties contemplating what they consider  
3 artisanal fisheries.

4 As John mentioned at the Compliance  
5 Committee, there was a discussion on the part of  
6 several nations who had exceeded their required  
7 reductions in marlin bycatch. And for the most  
8 part, there were explanations as to what had been  
9 done or was about to be done in order to further  
10 realize the anticipated reductions.

11 So, it wasn't perfect in its  
12 implementation, but at least for the most part those  
13 contracting parties seemed to have a conscience, I  
14 guess you could say, and say yeah, we had a problem,  
15 but we've implemented this and this and this  
16 domestically. In fact, Brazil was quite forthcoming  
17 with what they had done in recent years, including a  
18 no-sale provision and furthering the use of marlin  
19 at all as artisanal -- well, in a sense subsistence  
20 fishing, and encouraging live releases.

21 So, we're hopeful that with the  
22 pressure still on at next year's meeting, and the  
23 questions still being asked, that contracting  
24 parties will report better progress in that regard.

1 Any other questions or comments about  
2 last year's ICCAT meeting?

3 (No response audible.)

4 MODERATOR CHRISTOPHER ROGERS: It  
5 promises to be a good meeting in New Orleans next  
6 year, and we'd expect quite a good turnout on the  
7 American side. It's a lot easier to get to.

8  
9 BYCATCH

10 MODERATOR CHRISTOPHER ROGERS: Okay.

11 At this point in the agenda, we're a little bit  
12 ahead of schedule. Got some fast-talking people  
13 today. And I think we'll just continue our progress  
14 before we take a break and just get -- Joe DesFosse,  
15 if you're ready to come up and talk about the HMS  
16 Bycatch Reduction Implementation Plan. This was a  
17 nationwide initiative with respect to all fisheries.

18 And it's been quite a launch of this whole area on  
19 the National Marine Fisheries Service website with  
20 the publication of bycatch reduction plans and  
21 scorecards and the like. So, Joe is just going to  
22 present an overview of what has been done with  
23 respect to HMS and monitoring bycatch and hopefully  
24 advancing the cause for reducing bycatch. So,

1 thanks, Joe.

2 (Pause.)

3 MODERATOR CHRISTOPHER ROGERS: A  
4 color scheme there. I guess we lost the red and  
5 green and only had the blue there.

6 JOSEPH DESFOSSE: You take me out of  
7 the office and I don't know what I'm doing. I guess  
8 I shouldn't have moved the computer.

9 As Chris mentioned, the Bycatch  
10 Reduction Implementation Plan is available on the  
11 website. It was released in December of 2003. It  
12 is a working document. It represents efforts of a  
13 number of people, not just the staff in  
14 headquarters, but through the regions that work on  
15 HMS fisheries. And it was developed in response to  
16 a directive for NOAA to develop the -- or to -- I'm  
17 trying to think of the report title. Managing the  
18 Nation's Bycatch was the report in 1998, and this  
19 effort stems from that report.

20 It identifies plans or tasks for both  
21 fiscal year 2004 and 2005. The tasks are identified  
22 in four main areas: monitoring, research,  
23 management efforts, and education and outreach. And  
24 I believe we're going to go into the details of the

1 actual plan or draft plan in Wednesday's  
2 presentation during the bycatch overview.

3 MODERATOR CHRISTOPHER ROGERS:

4 Thanks, Joe. Yes, we will have a more detailed  
5 presentation of the plan and the activities that the  
6 plan entails with respect to -- as Joe said,  
7 monitoring, research, management, education and  
8 outreach on Wednesday's discussion. We just wanted  
9 to highlight that the plan is in place, available on  
10 the web, and certainly it's referenced in the SAFE  
11 Report.

12 Next we wanted to have a quick  
13 presentation, an overview, for those who haven't  
14 been following it that -- you have a question on the  
15 Bycatch Implementation Plan, Nelson?

16 NELSON BEIDEMAN: Yeah. When would  
17 it be proper to comment on the HMS Current Bycatch  
18 Priorities and Implementation Plan? That was in the  
19 background package.

20 MODERATOR CHRISTOPHER ROGERS: Well,  
21 we'll take that up on the agenda on Wednesday. I  
22 believe in the morning? Yeah, Bycatch Reduction is  
23 first off on Wednesday morning.

24 NELSON BEIDEMAN: Okay.

1                   MODERATOR CHRISTOPHER ROGERS: So,  
2 next, Doctor Ron Rinaldo is going to give us an  
3 overview of the activities and research --  
4 cooperative research that was undertaken in the last  
5 three years for the Grand Banks fishery and the  
6 success in avoiding turtles and reducing incidental  
7 catch mortality through the use of innovative gear  
8 and fishing techniques. So, thank you, Ron.

---

9  
10                   GRAND BANKS COOPERATIVE RESEARCH

11                   RON RINALDO: Yeah, this was a three-  
12 year study. It was very successful. The bottom  
13 line is that we have been able to reduce turtle  
14 takes -- turtle interactions and at the same time  
15 have the opportunity to increase swordfish  
16 percentage take catch.

17                   The results weren't conclusive for  
18 tunas. By and large, we have a product -- an  
19 approach to turtle reduction that we can export  
20 around the world. The results are being analyzed  
21 now for the final analysis -- preliminary analysis  
22 have already been done, and they are momentarily --  
23 will be available probably within the next week and  
24 a half.

1                   For the past three years, the studies  
2                   conducted in the Grand Banks fishery looked at the  
3                   configuration of the longline, the type of hook and  
4                   bait. The offset of the barb against the shank was  
5                   also a primary consideration. Rumors of blue-dyed  
6                   squid not interacting with turtles was tested and  
7                   mackerel bait was also tried as a gear.

8                   The Grand Banks is within the western  
9                   side of the Northeast Distant Water fishery. This  
10                  area has been and is currently closed to pelagic  
11                  longlining with the exception of the experimental  
12                  fishery.

13                 Experimental design was paired  
14                 observations of controls against treatments. The  
15                 control was the traditional hook and bait that's  
16                 been used in U.S. longline and a lot of other  
17                 countries, as well, which is a nine aught J-hook  
18                 with a 25 to 30 degree offset using squid bait. The  
19                 treatments represented a variety of experimental  
20                 hooks and the bait types.

21                 The hook designs are pictured here.  
22                 You can see the nine aught J-hook in the upper left.  
23                 The so-called Japanese tuna hook, ten aught J-hook  
24                 with a slight bend and a ring at the top, was also

1 examined, and the 16 aught, 18 aught and 20 aught  
2 circle hooks.

3 I'm going to go through each year of  
4 the fishery, what was done. 2001, examination was  
5 primarily focused on the blue-dyed squid, making  
6 sure that the hooks were not placed right under the  
7 floats. That was thought to increase the turtle  
8 take. And once these results were done, 18 other  
9 variables were examined, including temperatures,  
10 days, time of set, length of set, location on either  
11 side of the front, things like that.

12 Float placement and blue-dyed bait  
13 both proved to be nonsignificant, and of the  
14 variables that were tested in that year, the only  
15 thing that really seemed to be of much success was  
16 the daylight soak time, total soak time.

17 2002 focused more on looking at  
18 larger circle hooks with offset, not offset and bait  
19 being switched to mackerel. Again, paired  
20 observations are a very powerful statistical tool.  
21 And the results of this were significant enough to  
22 continue onto the next year, and then we had  
23 essentially the same thing, ability to look at a  
24 little bit larger -- larger circle hooks. And data

1 collected in the second year allowed us to look at  
2 individual hook and length of line with depth time  
3 recorders and hook timers, which had not been  
4 previously used.

5 The overall result was over a three-  
6 year effort we had over a million hooks in the  
7 water, and it was done by a concerted effort of many  
8 people involved to get such a strong statistical  
9 test in that water that's far away and fairly  
10 dangerous.

11 Turtle takes, even though you can see  
12 that there's a significant increase in the number of  
13 hooks each year, you can watch the turtle takes  
14 decrease greatly year to year.

15 Two things that were very interesting  
16 were that both loggerhead and leatherback turtles  
17 rates varied with water temperature. There was a  
18 dramatic increase in loggerhead catch rates for  
19 water temperatures over 72 degrees, so that if you  
20 could stay under 72 degrees, you didn't interact  
21 with nearly as many leatherbacks.

22 And the effect for surface water  
23 temperature was reversed for swordfish catch by  
24 weight. The largest fish were harvested in the



1 areas between 52 -- 54 and 62 degrees.

2 Pooling the data between the two  
3 years, the squid bait reduced loggerhead catch per  
4 unit effort by 74 percent with the 18 aught circle  
5 hook, but when you added mackerel bait, it jumped up  
6 to 91 percent.

7 Confidence intervals, highly  
8 significant, were between 82 and 95 percent  
9 reduction in turtle interactions using that  
10 configuration.

11 Looking at leatherbacks, interesting  
12 thing was that many of the loggerheads -- was a  
13 thing about taking the bait with the leatherbacks,  
14 it was more an incidental hooking or an incidental  
15 entanglement. However, the 18 aught circle hook  
16 with squid bait also reduced leatherback takes and  
17 so did the mackerel bait.

18 The examination there looked for the  
19 mackerel bait to reduce it a highly statistically  
20 significant difference of between 51 and 78 percent  
21 reductions.

22 The obverse, which is the swordfish  
23 catch rates, circle hooks with squid bait reduce  
24 swordfish catch rate. J-hooks with mackerel bait

1 increased swordfish catch rates, but circle hooks  
2 with mackerel bait were very significant at about 30  
3 percent in the first year and 12 percent in the  
4 second year. Mackerel bait on J-hooks in some cases  
5 did better for increasing swordfish catch, but  
6 didn't have the counter-measures of reducing turtle  
7 take.

8 The at-sea tests were not the only  
9 thing that were done in this experiment. The effort  
10 of the Southeast Center at the Pascagoula lab was to  
11 take a look at the actual mechanisms for the turtles  
12 taking the baits into their mouths and hooks were  
13 taken, tied off and then just the turtles were  
14 allowed to try to swallow the hooks.

15 And the experiment was controlled  
16 very carefully. Squid from 150 to 250 grams was  
17 used and they were placed into four categories,  
18 whether they even took the bait into their mouth and  
19 then about how far they swallowed the bait. But it  
20 was shown that the 18 aught hook was really a  
21 deterrent to getting that down their throat for the  
22 size classes that were observed in the Northeast  
23 Distant Water fishery.

24 This is a very, very brief overview.

1       There's a lot more data being analyzed. But the  
2 preliminary analyses are done and the significant  
3 results that are applicable to management have been  
4 completed.

5                   MODERATOR CHRISTOPHER ROGERS: Okay.

6       Thank you, Ron. We will have a more detailed  
7 presentation on the applicability of this research.

8       In fact, we did file with the Environmental  
9 Protection Agency last Friday a Draft Supplemental  
10 Environmental Impact Statement that makes use of  
11 this three-year research experiment and dealing with  
12 turtle interactions in the pelagic longline fishery.

13       And we'll be having a more detailed presentation on  
14 that later.

15                   But for the moment we have a few  
16 minutes and then we'll take a break. But if there's  
17 any particular questions on the experiment and the  
18 conduct of that experiment, we could do so and then  
19 we could take a quick break. Russ Nelson.

20                   RUSSELL NELSON: Do you have any data  
21 available on the effect of the different treatments  
22 on finfish bycatch, other than the directed catch?

23                   RON RINALDO: Yes, there's those data  
24 available in the study. However, the numbers of

1 finfish catch were so small that they didn't -- the  
2 results are not statistically significant.

3 MODERATOR CHRISTOPHER ROGERS: Nelson  
4 Beideman.

5 NELSON BEIDEMAN: Yeah, there's a lot  
6 of data, Russell, an enormous amount of data.  
7 They'll be quite a while, you know, getting it all  
8 finalized. A couple of things I'd like to note,  
9 though, is that the squid and mackerel reductions  
10 were very similar. It was 85 percent for squid. It  
11 was up to 90 percent for mackerel.

12 The circle hook was the key for not  
13 foul hooking the leatherbacks. The size of the hook  
14 was the key for those loggerheads that we interact  
15 with at the Grand Banks, you know, in that area.  
16 Because a two and one-eighth wide hook just wouldn't  
17 go down their throats.

18 But on mackerel, mackerel increased  
19 the swordfish target catches in the colder water,  
20 both size and quantity, but in the warmer water  
21 mackerel decreased -- substantially decreased the  
22 swordfish target catches. You had to use squid for  
23 swordfish in the warmer water.

24 So, there's quite -- quite a bit, you

1 know, that took place up there. It will be a long  
2 time coming out.

3 MODERATOR CHRISTOPHER ROGERS: Ramon  
4 Bonfil and then Bob Hueter.

5 RAMON BONFIL: Thanks, Chris. Was  
6 there any effect on the type of hook on the catch of  
7 swordfish? Because as our colleague just mentioned,  
8 the bait -- the type of bait on the north or south  
9 has an effect, but I don't know what the effect of  
10 circle hooks were on swordfish. And the other  
11 question is was there any significant change in the  
12 bycatch of sharks?

13 RON RINALDO: I don't know what the  
14 data was on sharks. I haven't seen any of that  
15 presented -- Pascagoula. There was -- there were  
16 differences, statistical differences, in the circle  
17 hook size with swordfish catch, but it was so small  
18 that it really didn't -- it didn't make much  
19 difference.

20 The 20 aught hook -- in order to get  
21 something that's really proved beneficial, I think -  
22 - Hammer can correct me if I'm wrong, but I think  
23 they wanted to look at more numbers of 20 aught  
24 hooks. In the final analysis, when we had the wrap-

1 up session, one of the request for future research  
2 was to look more at 20 aught hooks, as well as  
3 extremely large J-hooks.

4 MODERATOR CHRISTOPHER ROGERS: I had  
5 Bob Hueter and then Don Nehls.

6 ROBERT HUETER: Ron, you said that  
7 reduction in the daytime soak -- the daytime soak  
8 time was significant in reducing turtle bycatch.  
9 What kind of reduction are we talking about? What  
10 are the soak times that we're dealing with, where  
11 you have that effect, that significant effect?

12 RON RINALDO: Hammer's got that down  
13 pat.

14 NELSON BEIDEMAN: Well, in the -- you  
15 know, the first year was the indication that  
16 daylight soak time was a substantial factor. The  
17 second year, we implemented a time deadline that you  
18 had to -- you know, make every attempt to get your  
19 gear out of the water by 1 o'clock, okay, because  
20 after like noontime the catch rate of loggerheads  
21 went way up. It was -- you know, steady up till  
22 about noontime and then way up.

23 Some of the problems that were  
24 associated with the -- you know, putting a time

1 schedule on getting the gear out of the water were  
2 it forced the boats to be hauling at night, which  
3 was very dangerous. Also hauling at night and  
4 trying to haul as -- you know, as swiftly as  
5 possible, the vessels ranged between 10 and 60  
6 percent loss of target catch, up to 60 percent loss  
7 of targeted swordfish catch. And basically that was  
8 attributed to pulling the hook on large swordfish in  
9 those first one, two, three sections during the  
10 night and when they're sort of lively -- you know,  
11 et cetera.

12 So, what we did is we tried to go to  
13 a 20/0, which presumably would have a little more  
14 bite because, you know, swordfish's mouth, the side  
15 of their jaw, is not very strong like a tuna's. And  
16 the circle hooks definitely go to the side of the  
17 jaw instead of being -- you know, gut-hooked. And  
18 you know, the circle -- the smaller circle hooks  
19 were thought to more easily pull out.

20 Now, when we tested the 20/0, there  
21 wasn't a major -- you know, difference, and  
22 basically -- you know, slowing the haul down and not  
23 having -- you know, a 1 o'clock deadline, you know,  
24 brought back target catch. Some of the captains

1 felt that the 20/0 was better and when measures get  
2 implemented, though it be voluntarily moving to a  
3 larger, some of them felt that the 18 was better.

4 Also someone mentioned finfish.  
5 Mackerel reduced bigeye tuna secondary catches by 85  
6 percent. So, you know, mackerel is not a good bait  
7 for tunas unless you're looking at bluefin tunas.  
8 Bluefin tuna kind of like mackerel.

9 RON RINALDO: I just wanted to add  
10 that what was fascinating about that data of the  
11 daylight soak time was that it didn't look like it  
12 was any kind of an asymptotic curve. It was a long  
13 relationship, but there were two lines, and after 1  
14 o'clock in the afternoon it's like the entire line  
15 just shifted.

16 MODERATOR CHRISTOPHER ROGERS: Okay.  
17 Don Nehls and then we'll take a break.

18 DON NEHLS: Chris, I just want to  
19 thank you and Ron. I think we found out a lot of  
20 stuff. The only thing that I think everybody here  
21 that wasn't involved with that should understand is  
22 that mackerel bait proved very effective for the NED  
23 block, but most of your coastal blocks, Gulf of  
24 Mexico and Caribbean and stuff like that, the sea



1 temperature is much warmer. And that's still going  
2 to need some more work on that stuff there.

3 As far as the domestic regulations,  
4 trying to implement something that we found out on  
5 the Banks works there, it's not necessarily going to  
6 be able to keep our catch rates up when we go into  
7 those 72, 73 into the 80 degree water when we get  
8 further south there.

9 RON RINALDO: And to further augment  
10 what Don just said, it was interesting that -- the  
11 disaster sets, where you have -- you know, seven or  
12 eight turtles in a particular set, you go six or  
13 eight sets without ever encountering a turtle and  
14 then all of a sudden there's one -- the captains of  
15 the people who were participating in this experiment  
16 under contract showed a great deal of quick learning  
17 ability in that staying on the cold side of the  
18 front they reduced the disaster sets.

19 So, not only did the incident through  
20 using these circle hooks and the bait differences  
21 reduce the turtle takes, but the presence of mind of  
22 the captains to focus their fishing efforts and  
23 still get good swordfish catches significantly  
24 reduced the number of disaster sets, where no

1 particular piece of gear would be able to do that.

2 MODERATOR CHRISTOPHER ROGERS: Okay.

3 Rick Weber and then John Dean.

4 RICK WEBER: Ron, just -- I'm trying  
5 to understand the -- we're looking at great  
6 reductions between year 1 and year 2 in total turtle  
7 take, but we also hear that we changed the fishing  
8 hours greatly and avoided those times.

9 What type of reduction do we see in  
10 the pre 1 o'clock hours when we exclude the  
11 reduction based on time? What type of reduction do  
12 we see based on gear type then?

13 RON RINALDO: When they took time out  
14 of the equation, it still showed a significant  
15 reduction, yes.

16 MODERATOR CHRISTOPHER ROGERS: John  
17 Dean.

18 JOHN DEAN: Thank you. Ron, I think  
19 it's important -- or at least as I understand in the  
20 report, the vocabulary we use is not always  
21 understood by the public in our business. And take  
22 is not equivalent to mortality; is that correct?

23 RON RINALDO: That's correct.

24 JOHN DEAN: All right. And what --

1 if you look at mortality figures, how do they  
2 compare? Because I didn't get that real quickly out  
3 of the report. And I have one follow-up.

4 RON RINALDO: A subset of this  
5 research, which I didn't go into here at all, was  
6 archival tagging of turtles to look at longevity  
7 following interaction with the gear. And those  
8 studies are not complete.

9 JOHN DEAN: And the other one is that  
10 it addresses mammals and the directed species.  
11 What's the story on birds? Does that come in out of  
12 this, as well?

13 MODERATOR CHRISTOPHER ROGERS: There  
14 hasn't been much of a documented interaction with  
15 sea birds in the Atlantic pelagic longline fishery.

16 Just literally less than ten in -- not even on a  
17 consistent basis from year to year. But you know,  
18 certainly we're talking about single digits in terms  
19 of bird interactions on an annual basis. Nelson  
20 Beideman.

21 NELSON BEIDEMAN: Yeah, there was one  
22 bird, but there are no dead turtles to the boat as  
23 far as -- you know, survivorship to boat-side, no  
24 dead turtles. As far as post-release, you know, the

1 story will be told in -- you know, satellite  
2 tagging. And so far that looks real good. But no  
3 dead turtles in three years for the boat.

4 Plus, you know, it's unbelievable the  
5 careful handling tools and guidelines that were  
6 developed during this research program. It's just  
7 amazing. We can get -- you know, any gear left on a  
8 leatherback turtle that's too large to bring on  
9 board down to like a few inches, get a lot of the  
10 hooks out. On loggerheads we can get -- you know,  
11 most all the hooks out unless it's very -- you know,  
12 deeply bedded, which -- you know, circle hooks do --  
13 it doesn't happen with the circle hooks, they don't  
14 swallow them. And we can get all the gear off of  
15 them. And we made amazing strides in all that, and  
16 the industry supports all -- the use of all those  
17 careful handling tools and guidelines.

18 Now, later on I'm sure we're going to  
19 have an opportunity to get into the DSEIS, and we'll  
20 have quite a few comments on how things are being  
21 implemented.

22 MODERATOR CHRISTOPHER ROGERS: Okay.

23 Final comment by Ron Rinaldo, then we'll take a  
24 break.

RON RINALDO: I just want to say that

MODERATOR CHRISTOPHER ROGERS: Okay.

11

MODERATOR CHRISTOPHER ROGERS: Okay,

As I said, there is a handout put out

We did have a couple of members who

came in after our general introductions. I see Bob

Zales there in the back. We can probably get a

1 chair for you up at the table, if you want to get up  
2 to the table. Okay. And John Dean has joined us a  
3 little bit after the introduction. Anybody else who  
4 came in? We did get the introduction from Eugenio.

5 Oh, Bobbi Walker. And some familiar faces in the  
6 HMS arena, Rebecca Lent and Bill Hogarth have joined  
7 us.

8 So, at this point in our agenda,  
9 we've taken up the bycatch issues and just want to  
10 have a brief presentation on Expected Management  
11 Actions in 2004 before we get into our more lengthy  
12 discussions on regulatory and plan amendments for  
13 the respective fisheries.

14 So, Mark Murray-Brown from our team  
15 up in Gloucester is going to give us a brief  
16 overview of several of the assessments that occurred  
17 by ICCAT for the tunas.

---

18  
19 ICCAT TUNA ASSESSMENTS

20 MARK MURRAY-BROWN: Thank you very  
21 much, Chris. Yes, good afternoon. In the same  
22 spirit of just giving you a touch-back on what went  
23 on at ICCAT and some of the management actions that  
24 actually we started on in '03 and are going to go

1 through a little bit of '04. I'm not going to dwell  
2 on these. I'll just try to go through the slides as  
3 best I can.

4 As actually John and others have  
5 mentioned, there were some stock assessments that  
6 were presented by the SCRS last year for -- with  
7 some results for bigeye, yellowfin and northern  
8 albacore that I just want to touch on for you.

9 Touching back, the last time that  
10 bigeye was done in '02, yellowfin in '03 and  
11 albacore in '03, as well. And as you've heard,  
12 there were some issues at the SCRS about the  
13 availability of data for them to be actually able to  
14 do an assessment.

15 However, these are the data that we  
16 are working with currently, and the far column gives  
17 you the current outlook for the fishery. There  
18 shouldn't be any surprises in here. Atlantic  
19 bluefin tuna -- bigeye tuna. I beg your pardon.  
20 Currently may be overfished and overfishing is  
21 occurring.

22 Atlantic yellowfin tuna is not  
23 overfished and overfishing may be occurring. And  
24 I'm going to show you a couple of slides. I just

1 want to highlight that element for you and give you  
2 a heads-up of some trends that concern us. And then  
3 finally with North Atlantic albacore tuna,  
4 classified as overfished, and overfishing again may  
5 be occurring.

6 I'd just like to draw your attention  
7 back to the Atlantic yellowfin tuna. You'll notice  
8 that the maximum fishing mortality threshold, a  
9 threshold figure of 1, FMSY falls between -- within  
10 the range of the rate that was presented by the  
11 SCRS, which poses something of a dilemma for you  
12 without a point estimate above or below, it's not a  
13 clean-cut decision. So, we are saying that  
14 overfishing may be occurring when you show the  
15 trends that are shared by the SCRS in these two  
16 slides coming up here.

17 This is a comparison of the relative  
18 yellowfin biomass trends calculated using three  
19 models. And you see a fairly steady trend down.  
20 There you see the dashed line one showing the  
21 threshold limit there. And then the next graph  
22 shows the comparison of relative yellowfin fishing  
23 mortality trends, the fishing mortality heading up.

24 And the SCRS reported again with incomplete data



1 and a lot of the scientists not able to complete --  
2 in fact, the decision was not to complete an  
3 assessment because of the incomplete data, that even  
4 though we had two of the three models were showing  
5 overfishing, the mortality trends were above one.  
6 There was one that was below. And again, we ended  
7 up with that point estimate within the range.

8 So, in the spirit of showing you the  
9 trend and the concerns that we are beginning to see  
10 from ICCAT, I wanted to share that with you at this  
11 stage of today's meeting.

12 As far as management actions that we  
13 -- you heard a suite of completed actions that we  
14 did last year. There are some that we -- actually,  
15 several that we started and are in the process of  
16 developing and we expect action in 2004. They're  
17 ongoing.

18 The quota adjustments that are  
19 relevant here, there are two. The swordfish quota  
20 adjustments, that's been held up with consultation  
21 while we reinitiate under the turtle discussions.  
22 And bluefin specifications -- actually this is in  
23 every year we do these, and last year we did do  
24 them. They were published in October. And we're in

1 the process this year of already developing the  
2 analyses to try to do the specifications early in  
3 '04. And those you can expect as well this year.

4 The trade restrictions, a couple of  
5 you -- Nelson, I know you mentioned, as well, a  
6 concern about where that is in the progress.  
7 There's a proposed rule that will lump together '02  
8 and '03.

9 I'm going to have to hurry up here.  
10 Or someone's going to have to plug it in. So, right  
11 -- don't let me near it. I'll fry it.

12 So, that proposed rule developed --  
13 bundles together the '02 and '03 trade restrictions,  
14 basically lifts some sanctions and imposes others.  
15 And it also addresses chartering permits.

16 I'm going to present a couple of  
17 slides, if I can, on the third item here, the trade  
18 monitoring rule -- trade monitoring program. I'll  
19 try not to give this too short a thrift, but  
20 essentially this is an administrative document and  
21 program that team HMS Division is now implementing  
22 as a result of all your hard work at ICCAT, to  
23 basically piggyback -- this is generally what I  
24 think ICCAT was up to. They recognize the

1       implications and frankly the successes of the  
2       bluefin statistical document and they wanted to  
3       develop that in similar programs, statistical  
4       document for swordfish and bigeye.

5               And we're in the process of  
6       implementing those treaty obligations and the  
7       ostensible purpose, according to ICCAT, is to begin  
8       to get to the heart of this matter of the IUU  
9       fishing.

10              Our goal is to -- there's some  
11       interesting background on this. A lot of experts --  
12       and I'd really like to talk to some dealers about  
13       this, perhaps afterwards, recognition we've got this  
14       fractured, if you will, multiple reporting schemes,  
15       different permits, different reporting statistical  
16       documents for different species.

17              And we are trying to national  
18       coordinate a program. So, there's a lot of internal  
19       coordination that we have to do that's invisible to  
20       you all.

21              The programs again that they're  
22       building on primarily are the bluefin tuna  
23       statistical document, the program that was  
24       implemented in '95 and is up and running. We report

1       annually -- biannually, actually, to ICCAT on that.

2       And then in 2001 ICCAT recommended similar types of  
3 documents for bigeye and for swordfish.

4               And in 2003, our sister -- the IATTC  
5 Commission in the Pacific, recommended something  
6 similar for bigeye -- the statistical document  
7 covering Pacific tracking. So, to get a  
8 comprehensive look at all of this, we're trying to  
9 coordinate all those programs and come up with a  
10 scheme that meets the administrative needs and can  
11 track all these fish as simply as possible.

12              The Proposed Rule that we're working  
13 on, we hope to publish early in '04, and it will  
14 contain two main elements, we're hoping, a  
15 permitting structure for the dealers to address this  
16 international requirement, and second the reporting  
17 itself and how to implement that as much as we can  
18 under the existing system that's familiar to the  
19 dealers, namely statistical documents and  
20 biweeklies.

21              And finally we have some choices  
22 about how we can implement that. We can do -- we  
23 can continue -- in fact, we need to continue with  
24 the paper transactions that ICCAT requires, but here

1 we are in the 21st century and there's an awful lot  
2 of technology that can lend itself to make this a  
3 whole lot easier for everybody. So, we're looking  
4 at ways to get that up and running, but that takes  
5 time. The IT architecture is something that has to  
6 be carefully designed.

7 So, that's what we're looking for and  
8 hoping for for '04. And again, if there are any  
9 particular dealers -- I know some of you here -- I'd  
10 like to talk to you about some details behind this,  
11 some ideas that we've got.

12 I think that's it. Thank you.

13 MODERATOR CHRISTOPHER ROGERS: Okay.

14 Just to reiterate what Mark presented, we do have  
15 already on our regulatory agenda, our docket for  
16 '04, bluefin tuna quotas and swordfish quotas as  
17 well as the trade restricted measures from past  
18 ICCAT recommendations and then as Mark just  
19 presented, the trade documentation scheme.

20 So, apart from those rulemakings  
21 already on our agenda and in process, what we hope  
22 to get out of this meeting would be some advice,  
23 particularly in terms of prioritization, with  
24 respect to a lot of the other issues that are

1 highlighted throughout the remaining part of the  
2 agenda, limiting access program, how that is  
3 working, allocations, user groups, bycatch reduction  
4 initiatives and catch monitoring systems.

5 We foresee these areas of discussion  
6 as potentially leading to either additional  
7 regulatory amendments -- and again with your advice  
8 with respect to prioritization as to whether these  
9 regulatory amendments would be taken up in 2004 or  
10 future years, or alternatively, plan amendments. As  
11 I said, we would be up to Amendment 2 for each of  
12 the plans, Billfish and HMS, and we need to begin  
13 the process of scoping what would be in these next  
14 phase of plan amendments.

15 So, that's what we want to do  
16 throughout the remainder of the agenda. If there  
17 are any questions at this point as to what we're up  
18 to for 2004 and how we want to use the panel for the  
19 remainder of the meeting, we'll take those questions  
20 now, and then we wanted to get into a little bit on  
21 recreational fisheries data collection issues. John  
22 Dean.

23 JOHN DEAN: This is really very  
24 troubling in a way, and so I will say for the 12th

1 year in a row that I've been involved with Highly  
2 Migratory Species we raised the issue of yellowfin  
3 landings in the U.S., not limited to commercial  
4 landings. It is clear that ICCAT now has yellowfin  
5 high on its priority list of attention. We are  
6 looking at the possibility of allocations, which we  
7 have not had, country specific allocations to date.

8 There has been great concern in the  
9 recreational community -- and I assume we'll come  
10 back to this in the next item, but I thought it was  
11 appropriate here, that our landings are  
12 underreported. And the way ICCAT has worked is that  
13 your allocation is based on some kind of historical  
14 record. And we have not built the appropriate  
15 historical record on yellowfin and specifically with  
16 its component recreational fisheries, which are  
17 probably equal or might even exceed in dollar value  
18 the commercial fishery.

19 So, I just put that on the table,  
20 that we need to have serious attention paid. We've  
21 asked for it consistently. We have not seen it  
22 delivered.

23 MODERATOR CHRISTOPHER ROGERS: Okay.

24 Thank you, John. We had Nelson, I believe, and

1 then Bob Zales.

2 NELSON BEIDEMAN: It's a question.  
3 On the three statistical documents, between fresh  
4 and frozen, what's covered? Because I know there is  
5 some staggered implementation or something. But you  
6 know, on bluefin tuna, both fresh and frozen are  
7 covered. On bigeye tuna, it's just fresh at this  
8 point? Not frozen?

9 MODERATOR CHRISTOPHER ROGERS: No,  
10 for bigeye tuna, the first phase would be  
11 implementation for frozen product.

12 NELSON BEIDEMAN: First for frozen,  
13 okay. And on swordfish?

14 MODERATOR CHRISTOPHER ROGERS:  
15 Swordfish would be fresh and frozen.

16 NELSON BEIDEMAN: Thank God. Because  
17 from the information in the DSEIS, boy, we got a lot  
18 of frozen stuff coming in.

19 MODERATOR CHRISTOPHER ROGERS: Bob  
20 Zales and then Ken Hinman.

21 ROBERT ZALES, II: Bob Zales, and  
22 this is to John Dean's thing. The data for  
23 yellowfin, you want to discuss it next rather than  
24 now or -- good enough. Thank you.



1 MODERATOR CHRISTOPHER ROGERS: Ken  
2 Hinman.

3 KEN HINMAN: Okay, Chris. Yeah, I  
4 had noticed before that on the preliminary agenda we  
5 were going to have a discussion of combining the  
6 billfish and HMS plans. Now -- I just found it. I  
7 couldn't find it. Now I found it as one of those as  
8 time allows issues.

9 And I guess I was curious as to  
10 whether that was a serious recommendation, whether  
11 it was going to be seriously considered, and is this  
12 an indication that it's something -- an idea that  
13 just occurred to someone and there probably is not a  
14 lot of support for this panel to get into it?  
15 Because it's an -- obviously a very serious change  
16 with serious implications that would require a  
17 pretty good discussion, rather than just as time  
18 allows or people send in their comments later. So,  
19 if it's not -- it's not really an agenda item, then  
20 we can forget about it.

21 MODERATOR CHRISTOPHER ROGERS: Well,  
22 it was just an observation on the part of the staff  
23 that since the early days of the convening of the  
24 panels that -- at least for the last several years,

1 we've been primarily meeting in joint session and  
2 discussing issues in a joint manner. And it was  
3 just -- as I said, an observation that does it make  
4 sense at some point -- the Magnuson Act does require  
5 that we convene a panel for each FMP, and I know  
6 during the development of Amendment 1 to the  
7 Billfish FMP there was a lot of discussion as to  
8 where is this in the plan?

9 Well, most of the operative bycatch  
10 reduction mechanisms were in the HMS FMP. So, you  
11 really needed to read the two plans in conjunction  
12 with each other to get the true picture.

13 So, it obviously would take a lot of  
14 work to put the two plans together, and then to  
15 reformulate the panels so that they'd be one panel.

16 And it was more of a comment on efficiency. Does  
17 it make sense to move in this direction? And how  
18 quickly we would want to move if that was -- any  
19 sense.

20 In retrospect, after the initial  
21 agenda was distributed both internally and  
22 externally, we did feel that it was something that  
23 perhaps we couldn't tackle right away, but just  
24 wanted to leave the idea out there -- the concept.

1 Does it make sense to do so? If not, then we move  
2 on in the path that we set out for ourselves with  
3 two plans and two panels.

4 And again, we could revisit that at  
5 the end of the meeting if folks have some ideas on  
6 that. Or we could take comments throughout the  
7 course of the year.

8 Are there any other questions before  
9 we move into our next agenda item on recreational  
10 fisheries? Ramon Bonfil.

11 RAMON BONFIL: Just a very quick  
12 observation. Regarding the program that Mike  
13 described that they're trying to implement on  
14 international trade, my question is why only two or  
15 three species are being considered at this moment?  
16 Obviously the formal answer is because those are the  
17 economically more important, but wouldn't it be a  
18 wise thing to do at this moment when you're in the  
19 planning stages of all these exercise to look ahead  
20 and maybe include codes and space for other species  
21 that are probably important for other reasons that  
22 might have a place there, and particularly I'm  
23 thinking about some sharks and things like that --  
24 shark fins in particular.

1                   MODERATOR CHRISTOPHER ROGERS: In  
2 fact, there is an FAO Subcommittee meeting I think  
3 in the next month or so that is addressing what they  
4 called the harmonization of trade documentation  
5 schemes. And the intent is -- on the part of FAO,  
6 at least, and presumably with the support of the  
7 regional based fishery management organizations, is  
8 to look at the efficiencies that could be gained by  
9 taking a comprehensive approach to trade  
10 documentation as they say, eco-labeling, for  
11 sustainable product, as opposed to each of the  
12 regional fishery management bodies taking on, as you  
13 say, a species by species basis.

14                   So, I'm sure ICCAT will be open to  
15 any suggestions that do come from the FAO  
16 Subcommittee on trade documentation. But for the  
17 time being, as you say, it is sort of an ad hoc  
18 approach. What is the species that is presenting  
19 the problem for any of the contracting parties in  
20 terms of combating IUU fishing? And sometimes the  
21 documents are specific towards addressing the  
22 problem that was intended to be addressed by the  
23 documentation scheme. I think it does make sense,  
24 but there are some difficulties. I know a lot of

1 the more developed countries are pushing electronic  
2 documentation schemes and pre-authorization for  
3 imports and things like that. And there is a  
4 concern on the part of some of the less developed  
5 countries as to whether they can fully participate  
6 in an electronic reporting format, and whether that  
7 would put them at a disadvantage with respect to  
8 competing in the markets.

9 So, there's a lot of work to be done,  
10 but it certainly is an important concept of  
11 harmonization and we'll see how much progress FAO  
12 can make and how that can get translated back to the  
13 Commissions like ICCAT and ITTC, Indian Ocean Tuna  
14 Commission.

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15  
16 RECREATIONAL FISHERIES DATA COLLECTION ISSUES

17 MODERATOR CHRISTOPHER ROGERS: Okay.

18 Well then our next item on our agenda are  
19 recreational fisheries data collection issues. Just  
20 to review what is currently in place and has been in  
21 place for some time, at least some aspects of it, we  
22 do recreational catch monitoring, effort monitoring  
23 -- effort is as important as catch. It's not just  
24 an issue of landings, because we do recognize the

1 catch and release has a very significant economic  
2 value, as well.

3 So, we do use surveys, dockside  
4 surveys, as they call them, dockside intercepts,  
5 where anglers are intercepted at the dock and  
6 interviewed with respect to the fishing trip that  
7 just occurred and looking at catch composition, as  
8 well as taking some information down on fish that  
9 were released during that most recent trip. But  
10 also telephone surveys. Several different types of  
11 telephone surveys are used. We started out with a  
12 random digit dialing in coastal counties looking at  
13 the percentage of households that engage in marine  
14 recreational fishing. Recognizing that was not a  
15 very efficient way of getting at the large pelagic  
16 effort, we have over time increased the permitting  
17 requirements to encompass all of the regulated HMS,  
18 the tuna, swordfish, billfish and sharks, so that we  
19 could develop a permit frame for what they call a  
20 directory frame telephone survey, to target in on  
21 those persons most likely to be participating in the  
22 fishery and have a more efficient telephone sample.

23 And that could be used to get information on  
24 participation, avidity as they say, the number of

1 trips taken per year or per month, or per week  
2 depending on the time period of the recall for that  
3 interview.

4 The fishing locations, where people  
5 are leaving from and returning to, so we can fine  
6 tune the dockside surveys to increase the intercept  
7 rates, as well as getting some catch information  
8 over the phone to supplement that which can be  
9 obtained dockside.

10 So, surveys are an important  
11 component. A lot of the socioeconomic information  
12 can also be collected either through dockside or  
13 telephone surveys. What motivates people to  
14 participate, what the factors might be in a  
15 regulatory sense or a stock assessment sense that  
16 would affect participation, if a stock is more or  
17 less abundant, how that affects participation in the  
18 fisheries. If the regulations are too complicated  
19 or too onerous, how that might affect participation.

20 So, that type of information can be had with the  
21 survey approach.

22 For HMS fisheries over the last  
23 several years, we had quite a discussion on it at  
24 least year's AP meeting. The direct reporting. A

1 lot of concern about survey-based approaches. They  
2 are surveys. They're not designed to be a census.  
3 Therefore, they're subject by definition to some  
4 statistical uncertainty and imprecision.

5 And the need for real-time catch  
6 monitoring caused us to consider some direct  
7 reporting. We have direct reporting in place now  
8 for bluefin tuna, swordfish, blue marlin, white  
9 marlin and sailfish. And that requires for bluefin  
10 either reporting over the website or through a toll-  
11 free touch-tone system -- touch-tone telephone.  
12 Currently for the swordfish and billfish we have a  
13 call-back approach, where the initial landings  
14 report is filed by telephone by the angler and then  
15 a call-back follow-up interview on the part of a  
16 NMFS staff to confirm the details of the landing.

17 In two states we have cooperative  
18 programs with respect to landing cards, namely North  
19 Carolina and Maryland. And in those states we are  
20 back-stopped by state regulations requiring that the  
21 fish -- bluefin tuna cannot be removed from the  
22 vessel. Or in some cases in the trailer vessel.  
23 The vessel cannot be removed from the water unless  
24 the tuna has a tail-wrap tag on it, and that tail-



1 wrap tag cannot be obtained without first completing  
2 a catch card. And those catch cards are collected  
3 by the states and then forwarded on to NMFS. So,  
4 it's truly a cooperative effort on the part of those  
5 two states to fully document their bluefin tuna  
6 landings in a way that's pretty near real-time. We  
7 had good relationships with the states on getting  
8 those catch cards reported to us.

9 In 2003, we expanded those bluefin  
10 tuna programs for those two states to include the  
11 swordfish, blue and white marlin, and sailfish. So,  
12 those states do have a comprehensive direct  
13 reporting program.

14 So, obviously the intended result of  
15 these surveys direct reporting programs and call-in  
16 or catch cards as the case may be, are to estimate  
17 the number of fish harvested as well as estimate the  
18 number of anglers involved in the fisheries,  
19 estimate the number of trips taken, and by extension  
20 the economic impact of the fisheries as they  
21 currently exist and as they might exist under any  
22 proposed regulatory change.

23 A lot of concern about those  
24 estimation procedures. In some cases, they're

1 overlapping. I guess I should mention that in some  
2 instances we do have logbook systems that come into  
3 play, whether they be federal or state logbook  
4 systems. Joe McBride mentioned that before about  
5 use of the vessel trip reports out of the Northeast  
6 Regional Office for the collection of information on  
7 the charter boat and headboat fisheries and how that  
8 might be used to make estimates.

9 So, a lot of issues come to mind with  
10 respect to these programs. Where they overlap, you  
11 have to discern which is the better choice of data.

12 Where there are gaps, you have to decide what the  
13 best means of filling in that gap is. Should you  
14 extend the direct reporting program or should you  
15 extend the logbook program?

16 As many have mentioned around the  
17 table, it's an ongoing situation and an ongoing  
18 matter of concern, not only for yourselves and your  
19 constituents, but also the agency. How can we  
20 improve recreational catch monitoring? How can we  
21 produce estimates that have a buy-in or a  
22 credibility factor with the constituents, as well as  
23 enabling our ability to report and comply with  
24 international recommendations to the respective

1 commissions?

2 One thing I did want to do is  
3 highlight the steps that have been taken internally  
4 within the agency relative to two issues that came  
5 up late last year just prior to the ICCAT meeting,  
6 namely the bluefin tuna estimates from 2002 that  
7 were reported to ICCAT in the National Report, as  
8 well as the blue marlin and white marlin numbers.  
9 Both species or groups of species are under catch  
10 limits applied to the United States by the  
11 International Commission, and they have been  
12 implemented through domestic regulation.

13 Bluefin tuna, we have a quota for the  
14 angling category that's subdivided into a northern  
15 and southern zone, and various different size  
16 classes, and is involved in basically all three of  
17 the monitoring methods that I mentioned, the  
18 surveys, the catch cards and the direct angler  
19 reporting.

20 What had happened is that in the  
21 absence of an estimate from the survey data, because  
22 we were still undertaking our quality control  
23 procedures and looking at the survey data, both  
24 dockside and telephone, we had proposed

1 specifications for 2003 that were derived from the  
2 direct reporting systems, the catch cards from  
3 Maryland, catch cards from North Carolina, and those  
4 anglers that had called in or used the web to report  
5 bluefin tuna landings.

6 If recollection serves, I believe  
7 that was around 130 metric tons is what we had  
8 concluded through those direct reporting schemes had  
9 been landed in 2002 and thereby indicated a  
10 significant underharvest that could be carried  
11 forward to 2003.

12 So, we completed that process with  
13 our proposed and final specifications, but during  
14 the development of the task, one data that was  
15 submitted to ICCAT, there was some substantial  
16 upward revisions based on the survey data, which  
17 hadn't been factored into the proposed  
18 specifications.

19 The agency did have some concerns  
20 because one of the features of the fishery  
21 management plans is that for the most part we manage  
22 on a fishing year basis, starting June 1st one year  
23 and wrapping around to May 31st of the following  
24 calendar year. Yet the scientific assessments for

1 ICCAT are held on a calendar -- or the data are  
2 submitted on a calendar year basis.

3 So, we had a situation to resolve  
4 with respect to the Task 1 data that were submitted  
5 in July to resolve how the estimates could be  
6 translated, so to speak, into the proper size  
7 classes and gear categories as well as the time  
8 frame for a fishing year.

9 That process was not completed until  
10 just before the ICCAT Advisory Committee meeting,  
11 and therefore we had finalized the specs with the  
12 numbers that we had proposed and it did -- it did  
13 cause quite a deal of concern going into the ICCAT  
14 meeting with respect to our report to the Compliance  
15 Committee, obviously indicating that there was in  
16 fact an overharvest in 2002 as opposed to what had  
17 been perceived to be an underharvest previous to  
18 that.

19 So, a lot of questions and concerns  
20 were raised as to how did this happen. Some of it  
21 was procedural in terms of trying to do the data  
22 workup, and we need to be a little bit more timely -  
23 - I guess one could say a lot more timely in that.  
24 And we do have procedures in place to be more timely

1 with respect to that.

2 But there were also some concerns on  
3 changing of the methodology, and in fact changing  
4 the approach to the survey. They were highlighted  
5 for the ICCAT Advisory Committee by several  
6 speakers. Dave Van Voorhees from the Office of  
7 Science and Technology, and Gerry Scott was there to  
8 speak on several issues from the perspective of the  
9 Southeast Fisheries Science Center.

10 But for those of you who were not  
11 present at that meeting, I'll briefly review.  
12 First, the changes in the operation of the survey.  
13 We had in the past under the contract paid by the  
14 assignment. In other words, we had a roster of  
15 fishing sites that was developed over time of likely  
16 locations where people involved in the large pelagic  
17 fisheries would be leaving the dock and returning to  
18 the dock. So, those sites were put into what we  
19 call a site register and then drawn at random on a  
20 weekly basis for assignments.

21 The contractors personnel doing the  
22 dockside intercept were paid by the assignments.  
23 So, the payment would be made if the assignment was  
24 completed, irrespective of the number of interviews

1       obtained. And in most cases, that worked, but in  
2       some cases it didn't. And we suffered from lack of  
3       information in specific areas.

4               In order to address that, the  
5       contract was changed last year such that the payment  
6       was made on the interviews obtained, not necessarily  
7       the fact that somebody was there at the dock on the  
8       assignment. But to allow the contractor the ability  
9       to obtain more interviews, we discussed with the  
10      contractor some of the ongoing problems, and  
11      particularly at certain sites.

12             And what we did is we developed a  
13      site cluster instead of just the single site  
14      approach. In other words, several adjacent sites  
15      were flagged for an assignment with the ability of  
16      the interviewers to go back and forth between the  
17      adjacent sites. We picked them based on proximity,  
18      as well as the level of activity. And that improved  
19      the ability.

20             If an interviewer had gotten to a  
21      site in past years and found out that for whatever  
22      reason only two boats went out, they were stuck at  
23      that assignment with the possibility of only getting  
24      two interviews.

1  
2 Under the new approach, with two or  
3 possibly three sites in a cluster, they can rove  
4 between the three sites, find out who went out that  
5 day, what time -- you know, based on the radio  
6 traffic that people were anticipated getting back,  
7 and try to time their presence at each of the sites  
8 according to the information that the intelligence  
9 gathered upon first arriving at the site.

10 So, between the site clusters and the  
11 incentive on the part of the contractor to obtain  
12 more interviews, obviously to increase the payment,  
13 we were able to obtain more interviews than we had  
14 in past years. And in particular interviews at  
15 sites and at times -- at times and for modes -- we  
16 did differentiate by the private boats versus the  
17 charter boats that we had gaps in the past.

18 So, in one sense that improved the  
19 information base upon which we were making the  
20 estimates. More information that was fed into the  
21 estimation process. In other words, if there was a  
22 gap in the past, that was a zero. Even if you had  
23 from the telephone survey information that effort  
24 was made from some southern Virginia ports, if you



1        hadn't obtained any dockside interviews, there was  
2        no catch information against which to extrapolate  
3        the effort.

4                So, it became either a zero or you  
5        were facing some sort of decision on how to pool  
6        data from adjacent sites or adjacent weeks to try to  
7        come up with what was going on there.

8                So, in one sense the improvement of  
9        the level of interviews obtained and clustering  
10       sites so that we could get more information where  
11       gaps had appeared in the past gave us more  
12       information than we had. So, again that led to some  
13       situations where zeros or low numbers that had been  
14       calculated in the past were now known to be a little  
15       bit more active in terms of effort and catch.

16               There were several other issues more  
17       related to the estimation procedures than the actual  
18       conduct of the intercepts that led to some changes.

19       And again, these are under review. Things like the  
20       survey frame, how to deal with what we call out of  
21       state effort.

22               A lot of folks here obviously know  
23       that the Highly Migratory Species fisheries are  
24       quite active, particularly through the summer

1 season, and boats do change from state to state,  
2 particularly during the tournament season following  
3 the tournaments, and/or following the fish, as the  
4 fish migrate up and down the coast.

5 And for that reason, although you may  
6 have vessels identified on a telephone frame for one  
7 state, they may appear to be a predominant factor in  
8 dockside intercepts in an adjacent state,  
9 particularly if it's a tournament that week.

10 So, that is one factor that needs to  
11 be dealt with, how to mesh the dockside interviews  
12 with the telephone data on accounting for effort  
13 that is expended outside the home state to which the  
14 vessel is assigned and how to make that  
15 extrapolation.

16 Participation outright. Sometimes  
17 people will get a tuna permit and the vessel will  
18 not be participating in the fishery for whatever  
19 reason. Sometimes during a telephone interview, had  
20 a problem with the engine, it's in dry dock. Health  
21 situation in the family, so we're not fishing this  
22 year. Things like that occur. How to manage the  
23 frame appropriately. Several other issues came up  
24 with respect to renewing permits during the course

1 of the year. It would be nice if everybody renewed  
2 the permit by June 1st and we had a complete survey  
3 frame that didn't change over the course of the  
4 year, but some people will renew in April or May.  
5 Some people will renew in July or August, depending  
6 on their particular situation. Sometimes they  
7 purchased a new vessel or hadn't gotten involved in  
8 the fishery before the fish showed up. So, trying  
9 to manage the frame through the course of the season  
10 with updating the frame does cause some statistical  
11 issues that you have to deal with.

12 So, the bottom line is there are a  
13 lot of things that were looked at, a lot of issues  
14 that were addressed and the estimates were made.  
15 There was a big change over what was initially  
16 reported through the direct reporting system. It  
17 did cause a stir, an issue arose as to where we  
18 stood with respect to our compliance before the  
19 Commission and it was -- before the Commission  
20 meeting. We did do some transfers from the  
21 commercial categories into the reserve to cover what  
22 was at least at the time perceived to be an  
23 overharvest in 2002. And we did close the angling  
24 category fishery for the remainder of the fishing

1 year, and it remains closed to date.

2 We felt it was important that we have  
3 that record before the Compliance Committee at  
4 ICCAT, that in the event an overharvest was  
5 confirmed, that we took the steps necessary to deal  
6 with it within the current fishing year of 2003,  
7 because that's what the ICCAT recommendation on  
8 bluefin tuna requires, that any overharvest be  
9 addressed in the subsequent fishing year.

10 We also had a situation with respect  
11 to the marlin numbers. As we all know, we had  
12 agreed at the meeting in Morocco in 2000 to a limit  
13 of 250 fish, blue and white marlin combined on an  
14 annual basis. That number -- or let's just say the  
15 landings that had been reported to the Commission  
16 consistently for many years were the product of the  
17 recreational billfish survey, which is a tournament-  
18 based sampling program.

19 There was acknowledgement that it  
20 addressed only tournaments and that there was some  
21 level of landings outside the tournaments on the  
22 part of private anglers or even charter boats  
23 outside the tournament context, and that required  
24 some adjustments. There had been some papers

1 presented in recent years at SCRS on how to use  
2 additional sources of information to supplement or  
3 augment the numbers that could be generated from the  
4 recreational billfish survey, the tournament survey.

5 In particular, a method was developed to use Marine  
6 Recreational Fishing Statistics Survey, the MRFSS  
7 data, which are subject to a great deal of  
8 imprecision. The survey is not designed to  
9 effectively capture what we would call a rare event  
10 species. If some species like a marlin is only  
11 occasionally encountered dockside, you will see a  
12 wide fluctuation from year to year depending on the  
13 randomness of dockside intercepts. And that does  
14 tend to get extrapolated to a larger extent, because  
15 it is a survey -- effort survey. It's based on  
16 fishing households in coastal counties.

17 So, recognizing the fluctuation in  
18 MRFSS derived estimates for species like marlin or  
19 even some of the tunas, it has been problematic to  
20 try to use point estimates on a year to year basis.

21 But there was an attempt to use trends in what was  
22 observed in the MRFSS data to try to scale the  
23 recreational billfish survey numbers upwards,  
24 recognizing that that is a subset of the actual

1 landings.

2 That method had been explored. As I  
3 said, there were papers presented at SCRS on how to  
4 apply the method, and it was determined last year  
5 for reporting purposes to the Commission that the  
6 method seemed to work as it was designed to with  
7 respect to marlin -- white marlin, although there  
8 were some problems with respect to applying the  
9 methods for blue marlin.

10 Consequently, the numbers from the  
11 RBS were scaled up for white marlin and that did put  
12 us over the limit, so to speak, for 2002, insofar as  
13 it was 270, I believe the total for blue and white  
14 combined using that method.

15 So, we had another situation where  
16 late in the season, so to speak, we were reporting  
17 higher numbers than had been reported previously to  
18 the Commission, and it did have some implications  
19 for domestic management. It did have some  
20 implications for reporting to the Commission, and  
21 the U.S.'s comments at the Compliance Committee were  
22 statements that we were committed to improving the  
23 catch estimation process and certainly were standing  
24 behind our commitment to comply by the catch limits

1       that we had previously agreed to and would make  
2       adjustments accordingly for both bluefin tuna and  
3       the marlins.

4               What the agency has done since coming  
5       back from ICCAT, a committee has been convened,  
6       including personnel from the Southeast Fisheries  
7       Science Center, Northeast Fisheries Science Center,  
8       the HMS Division and the Office of Science and  
9       Technology in headquarters. That committee had its  
10      first conference call last week. We've set up a  
11      work plan.

12             Unfortunately, the work couldn't be  
13      completed for this meeting, but recognizing the  
14      urgency and the need to get the information out as  
15      quickly as possible, obviously will affect the '04  
16      fishing seasons, as well, there's a commitment on  
17      the part of this group to complete its work in a  
18      meeting at the end of this month in Miami and to  
19      have a report prepared for the ICCAT Advisory  
20      Committee meeting, which I believe is scheduled for  
21      March 15th and 16th.

22             So, that report will be available and  
23      will be presented during the species working group's  
24      meetings at that ICCAT -- the spring ICCAT Advisory

1 Committee meeting.

2 So, that's the progress that has been  
3 achieved in trying to look at the data, look at --  
4 re-examine these methods, look at the changes that  
5 have occurred in applying some of these new methods  
6 to the fisheries and to be as transparent as  
7 possible by preparing a report and presenting that  
8 for the ICCAT Advisory Committee meeting in March,  
9 so that the numbers can be used. If any updates to  
10 the Commission are warranted, a report will be  
11 prepared and sent to the Commission. But the  
12 numbers that will be derived and stated in this  
13 report would then be available for use in setting  
14 the 2004 fishing season quotas for the marlin and  
15 for the bluefin tuna.

16 So, that's where we stand. I know  
17 it's dissatisfying for this panel to not be in a  
18 position of knowing for sure what was landed in 2002  
19 or 2003 at this point in time. But certainly the  
20 recommendations from this committee will be to  
21 improve the process of not only the estimation but  
22 the data collection and the data review as it comes  
23 in, so we would be a lot more timely in getting the  
24 survey derived estimates out in the public domain.



1                   So, with that, we wanted to have a  
2                   discussion this afternoon of the ongoing issues.  
3                   Hopefully you understand at least the process that  
4                   has been set in motion and the time frame for  
5                   completion of that process. But certainly we want  
6                   feedback from these both panels on ways to improve  
7                   the situation.

8                   As was already mentioned by Joe  
9                   McBride, logbooks may be part of the solution.  
10                  Direct reporting. We thought it would be the least  
11                  burdensome, most cost effective approach, but it  
12                  doesn't seem to have a buy-in by the constituency.  
13                  And there's always been some concerns with the  
14                  survey approaches. So, we're open to any comments,  
15                  questions, suggestions and really want to try to  
16                  have a good, informed debate on how to get a handle  
17                  on the recreational catch and effort estimation for  
18                  the agency.

19                  And seeing Bill wants to go first,  
20                  we'll give him the opportunity to speak first, and  
21                  then given the show of hands, we'll probably just go  
22                  around this table in sequence of how people are  
23                  seated.

24                  WILLIAM HOGARTH: Mine will be sort

1 of quick. This has been going on for an awful long  
2 time, it seems like since I joined the agency, and I  
3 think even before I joined the agency, because I  
4 remember the lawsuit when I was in North Carolina  
5 against the agency on king mackerel data.

6 We've talked about it. We've gone  
7 around in circles with it. I think MRFSS, for  
8 example, was designed for one purpose, which is to  
9 satisfy us, but I think -- remember when Congress  
10 came and said red snapper should be managed by a  
11 quota immediately and the only thing available at  
12 that time it appeared was to use the MRFSS system.  
13 It never was intended for quota monitoring -- real-  
14 time quota monitoring. It was intended for annual  
15 catch data and for long-term trends.

16 Tomorrow while you all are meeting --  
17 and this came about before -- this Advisory  
18 Committee was meeting, there'll be a group coming to  
19 my office made up of MAFAC Committee -- a  
20 subcommittee of MAFAC. I sort of asked the three  
21 commissions -- the three state commission chairmen  
22 earlier to look at a national data collection system  
23 that was universal, both for recreational and  
24 commercial, because I had gotten comments that we

1 don't even have a system commercially that's  
2 universal across the country. That you know, we  
3 sort of do it by regions or do it by state.

4 Some states are much better than  
5 others. But we do continue to hear -- and you know,  
6 summer flounder this year, scup, you can go around  
7 the country and still hear of concerns about the  
8 recreational catches.

9 So, tomorrow there'll be a meeting  
10 going on to try to figure out where we go. I've  
11 heard use a logbook for various recreational  
12 entities, you know, use logbooks. Then I've, you  
13 know, heard -- you know, go to a recreational  
14 fishing license. If the state doesn't have a  
15 recreational fishing license, within two years to  
16 implement a federal fishing license.

17 So, there are a lot of things that  
18 have been tossed around. And so while you all  
19 discuss this this afternoon -- tomorrow there'll be  
20 a discussion, and I hope to follow up with some type  
21 of a sit-down with the recreational industry over  
22 the recreational and with the -- separately with the  
23 commercial on how we can do this. I think some  
24 states have trip ticket systems which work extremely

1 well. I know Pres Pate gave me sort of a lecture on  
2 his recreational that he has this card system, but  
3 it doesn't do any good to have a great system if  
4 you're at the end of the line and nobody else has it  
5 and the quota's already taken. So, there always  
6 seems to be -- you know, concerns and discussions  
7 wherever you are.

8 I would love to see this -- if it's  
9 the last thing I do, I would love to see this thing  
10 fixed. I really think that the agency has to fix  
11 this. I'm not blaming anybody. I'm not casting  
12 stones at anybody internally. We spend a lot of  
13 money -- I think if you look here it's -- we've  
14 probably -- it's about eight million dollars a year  
15 that's going into recreational data, at least now  
16 and probably some other that goes to RecFIN, PacFIN  
17 and all the others.

18 There's a lot of money being spent on  
19 catch data. Nobody's happy. Unless someone -- you  
20 know, we could make a system that people have some  
21 confidence in, we've got problems. So, it's not  
22 just in Highly Migratory. It seems to be throughout  
23 the agency when it comes to really documenting  
24 recreational catches, and to a less extent

1 commercial catches. But I am dedicated to find a  
2 way to fix this, and we will be working awfully hard  
3 over the next few months to find a system that  
4 works.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Thank you, Bill. And as I said, given the show of  
7 hands and interest in this topic, we'll just go  
8 around the table in this direction and -- Glen  
9 Hopkins, Rick Weber. It's not going to be your only  
10 opportunity. You can pass the first round. Randy.  
11 John.

12 JOHN GRAVES: I'll just take -- you  
13 know, rather than looking at our immediate data  
14 collection for -- in terms of the ICCAT Advisory  
15 Committee, we're going to use a new, improved system  
16 of gathering data and landings and compare that then  
17 to a historical record we have that was far from  
18 perfect.

19 In the case of the billfish, I think  
20 you sort of misstated the situation. In previous  
21 years we had used either the recreational billfish  
22 survey, which was a selected subset of tournaments  
23 that an individual chose to send to find information  
24 from or not, or if the LPS came in with higher

1 numbers, you used the higher numbers. They weren't  
2 added. It was just one or the other. It was a  
3 substitute situation.

4 In either case, we knew we weren't  
5 getting a large part of the data. And when the --  
6 you know, we reported the U.S. recreational landings  
7 to ICCAT, and a total of 250 were settled on by the  
8 recreational representatives that were there, they  
9 were using data that was obviously grossly  
10 undercounted, and yet we're held to that.

11 And so getting the -- you know, I  
12 think that both the recreational community in the  
13 case of the billfish, and both the recreational and  
14 commercial community in the case of yellowfin tuna,  
15 if we go out now and do better numbers as we go into  
16 quota management within ICCAT, they're being pretty  
17 unfairly screwed.

18 MODERATOR CHRISTOPHER ROGERS: Okay.

19 Bill Utley. Merry Camhi. Sonja. Irby.

20 IRBY BASCO: Yeah, thank you, Chris.

21 Very well said, John. My opinion, I think that  
22 what -- one of the things that would help immensely  
23 is more dockside interviews. Like Bill brought out  
24 about the MRFSS survey. You know, it's really not

1 designed for what we're trying to use it for, and  
2 that's been a problem we've had, the number of trips  
3 and things like that that we think are in excess of  
4 what recreationals or charter boat people have done  
5 in our area of the Gulf.

6 Further, I'd like to -- maybe, Chris,  
7 you could spend a little bit more on what about the  
8 observer coverage on charter boats or private  
9 vessels. You know, that's kind of a problem that  
10 we've been talking about. What is the latest on  
11 that?

12 MODERATOR CHRISTOPHER ROGERS: If you  
13 recall, during the FMP development, we did propose  
14 that the observer coverage program would extend to  
15 recreational vessels, as well as commercial. And  
16 there was a lot of concerns expressed during the  
17 comment period about the suitability of private  
18 vessels for observers, in terms of safety, equipment  
19 and also on charter vessels with respect to  
20 respecting the privacy of a group charter and the  
21 clientele on board the vessel.

22 What we did is when we finalized the  
23 rules or the regulations implementing the FMP, we  
24 made that a voluntary program so that we can place

1       observers on board private recreational vessels and  
2       the charter/headboat sector insofar as those vessels  
3       are willing to take an observer and basically invite  
4       NMFS to do so.

5                 We have had a program within the  
6       context of the large pelagic survey of placing what  
7       we call at-sea observers on the headboats targeting  
8       tunas in the fall -- in the late summer and fall.  
9       And that has been successful. Basically they just  
10      paid the fee as any other angler would, but instead  
11      of fishing, they do -- for those in statistics would  
12      know this -- a roving creel survey by going around  
13      the vessel and seeing what's happening in terms of  
14      how many lines are in the water, what people are  
15      catching, catch -- what's boated and what's  
16      released. And that's a much more efficient approach  
17      than dealing with it at the dock, because of the  
18      number of anglers on board those vessels.

19                So, we have implemented that in the  
20      past, not consistently. It is dependent on the  
21      availability of funds to exercise that contract  
22      option from year to year. But we haven't formally  
23      embarked on a program to enhance coverage on the  
24      part of the private recreational vessels and/or the



1 charter boats. To the extent that we get  
2 invitations, and we have had some, we will endeavor  
3 to get staff out on those vessels.

4 A lot of work needs to be done,  
5 however, in trying to come up with appropriate  
6 forms. You could sort of as a point of departure  
7 use the forms that would normally be used for  
8 dockside intercepts and just try to do them as the  
9 activity is occurring on board the vessel. But  
10 again, we would need to develop interview methods  
11 that wouldn't be intrusive while the fishing is  
12 occurring. And certainly we're open to any  
13 suggestions on the part of panel members, whether  
14 they be private recreational anglers or charter boat  
15 operators on how best to advance this program.

16 A lot of concerns on the part of  
17 documenting release information, and sometimes it is  
18 easier to get landed catch at the dock, identify the  
19 species and get the size composition. But with  
20 respect to releases and the condition of fish upon  
21 release, and as well as interaction with Protected  
22 Species, that can probably best be had by having an  
23 on-board observer.

24 And this will be a discussion item on

1 Wednesday as we get into the observer program  
2 discussion. Thank you, Irby. Pamela?

3 PAMELA BASCO: On the incorrect  
4 reporting, where do you think the breakdown is  
5 coming from, from tournaments or from individual  
6 anglers?

7 MODERATOR CHRISTOPHER ROGERS: When  
8 we set up the direct reporting program for the  
9 billfish and swordfish, recognizing that there was a  
10 mandatory registration program for tournaments and  
11 that all tournaments when they register that  
12 identify billfish as an award category are being  
13 given the reporting forms, we didn't want to be  
14 duplicative.

15 So, we have had an increase in  
16 tournament registrations. Last year it was a very  
17 significant increase as we did our outreach on the  
18 mandatory registration process. And consequently  
19 with a better registration database, we can do the  
20 follow-up to ensure that we get reporting.

21 So, I can't say that it's been  
22 perfect, but for the most part it's been better than  
23 it has been in past years under the recreational  
24 billfish survey that wasn't intended to be a census

1 per se, that it wasn't a mandatory registration and  
2 it wasn't a mandatory reporting. So, improvements  
3 have been made there.

4 Last year was the first year of  
5 implementation of the non-tournament reporting  
6 program. We tried to make it simpler with a toll-  
7 free telephone call. And again it may be an  
8 outreach issue. It may be that anglers don't  
9 realize that they need to report, although we've  
10 tried to distribute our brochures and work with the  
11 publications to get the word out that it's important  
12 to get these catches documented. Initially we did  
13 have a lot of concern as to whether releases were  
14 included in this reporting requirement. They are  
15 not, at least not as currently drafted under the  
16 regulations, and we certainly would be willing to  
17 take comment from the panel as to whether we should  
18 do a better job of documenting releases as well  
19 through a direct reporting program.

20 But the buy-in, if you will, hasn't -  
21 - didn't seem to occur at least in the initial year.

22 And we look forward to discussion with the panel as  
23 to whether it's really an outreach problem or it's a  
24 design problem with that system, that either folks

1 find it too cumbersome or insufficient with respect  
2 to logging in those landings. Russ has a response  
3 to that, as well.

4 RUSSELL DUNN: Yeah, Pam, it's not so  
5 much incorrect reporting really as more of a lack of  
6 reporting is what we've run into. With the  
7 tournaments, in 2002 there were 83 registered  
8 tournaments. This year, after a lot of prodding, we  
9 boosted that up to 254 in 2003.

10 Now, that 83 was low. In 2000 we had  
11 168. In 2001 it was 186. 2002, 83. And last year  
12 254. And we think there are probably -- we can  
13 probably increase that another maybe 20 percent or  
14 so that are still out there unregistered.

15 The tournament -- that being said,  
16 the tournaments are doing a substantially better  
17 job, we believe, of reporting their fish than the  
18 non-tournament anglers. Non-tournament landings at  
19 this point are about 104 swordfish and the numbers  
20 drop off dramatically from there. Five sailfish,  
21 one white marlin and seven blue marlin for the 2003  
22 fishing year.

23 We know those numbers are  
24 substantially low, and we hear that well, we don't

1 know about it. We've never heard of that  
2 requirement. Frankly, we have a hard time believing  
3 that. We know that if a restriction is loosened,  
4 word gets around the dock like that. When  
5 restrictions are imposed, we hear a lot of well,  
6 I've never heard of that. We distributed 43,000  
7 brochures that have the number included in that all  
8 over up and down the coast. So, it's really an  
9 issue of just lack of reporting rather than  
10 inaccurate, and hopefully we can improve that this  
11 year.

12 WILLIAM HOGARTH: Just to address  
13 that, I have -- I'm trying to get a meeting with all  
14 the tuna directors by having asked Dale Jones, who's  
15 head of enforcement, to make this a priority this  
16 year. It is a requirement and if they don't --  
17 they're not reporting, they will be cited for not  
18 reporting. So, enforcement will have this as a  
19 priority this year. And we will get them registered  
20 and we'll get them cited if they're not.

21 MODERATOR CHRISTOPHER ROGERS: Okay.  
22 Mike Leech.

23 MICHAEL LEECH: Chris, I understood  
24 very little of your explanation there, but let me

1       see if I've got the bottom line, and correct me if  
2       I'm wrong. In 2002, the numbers -- for the last  
3       four years, when I talked to NMFS I had very  
4       definite numbers of how many billfish they said had  
5       been reported or landed or whatever. None of the  
6       years were over 200. I think one of the years was  
7       under a hundred. And those were the numbers that  
8       everybody seemed to be going on, and they seemed  
9       quite definite. And those were, I assume, the  
10      numbers that they used when they negotiated at ICCAT  
11      for the 250.

12               As John Graves pointed out now in  
13      midstream, they're changing the whole system, but  
14      they're still holding us to the old numbers, which  
15      somebody needs to stand up at ICCAT and say we made  
16      a mistake on the calculations, if we're going to  
17      recalculate the count, we've got to recalculate what  
18      we based the 250 on and adjust it accordingly. And  
19      that needs to be done by somebody at ICCAT or the  
20      whole thing is a farce.

21               I see now if we had a big jump in  
22      tournaments from whatever it was to 254, and the  
23      tournament still only reported about 119 white and  
24      blue marlin landed, it does not seem to be an issue.

1       The feeling that the recreational guys aren't  
2       reporting -- which I don't argue with at all. I  
3       think a lot of them don't know it or they don't know  
4       the system, maybe there was a brochure out, they  
5       have no idea what the telephone number is now, they  
6       didn't write it down in their telephone directory.  
7       But on the other hand, I think there are probably  
8       not very many blue, white and sailfish being landed.

9               You know, if anybody brings in a blue  
10       or white marlin, not in a tournament, they're pretty  
11       much ostracized along most of the coast. So, we're  
12       being accused of underreporting. Well, by how much?

13       One percent? Ten percent? Twenty percent? You're  
14       just guessing at numbers, and none of which has any  
15       significant impact on conservation.

16               So, we're going through this great  
17       exercise that's costing the federal government a lot  
18       of money to monitor, answer the phone calls, create  
19       the paperwork, for no conservation benefit  
20       whatsoever that's -- at least nothing that's  
21       measurable.

22               And so now in 2003, we've got numbers  
23       that come out something like 127 blue and white  
24       marlin, tournament and call-in. What are you going

1 to do with that number? Is that -- have we gone  
2 through this great exercise and this is the number  
3 we come up with, but we're going to throw it out?  
4 If so, what is the point of continuing this system?

5 Are we going to continue on each year  
6 hoping the numbers go up until it reaches some  
7 number that NMFS likes and agrees with? It seems  
8 that this system is not working at all and it's  
9 coming out very unfairly for the recreational  
10 anglers.

11 MODERATOR CHRISTOPHER ROGERS: Thank  
12 you, Mike. Certainly the issue of renegotiating the  
13 250 limit would be the purview of the ICCAT Advisory  
14 Committee, and I expect that that discussion will be  
15 taken up in the spring meeting. But with respect to  
16 domestic management, obviously what we need to do is  
17 -- irrespective of the limit, try to get to the  
18 bottom of how to improve monitoring. If it is truly  
19 a better approach to scale up or extrapolate from  
20 the recreational billfish survey numbers, then we  
21 need to figure out the best way of doing that.

22 If direct reporting is the answer, as  
23 opposed to examining the estimates derived from  
24 MRFSS, or at least the trends derived from MRFSS and



1       then scaling up accordingly, then we should do so.  
2       But we need to make the efforts to improve the  
3       direct reporting scheme so that we do have  
4       confidence in it.

5                     Frank Blount.

6                     FRANCIS BLOUNT:  Yeah, thank you,  
7       Chris.  Yeah, one thing.  On the new for-hire  
8       survey, I think one thing that's very lacking -- and  
9       speaking from experience because I think I was  
10      called -- oh, somewhere between 60 and 70 times last  
11      year and they ask every single question repeatedly.

12      The one question they never ask is what did you  
13      catch.  It's what was the target species and never  
14      once do they ask what you caught.  And they want to  
15      know if you were drifting, chumming, whatever you  
16      were doing.  There's got to be 40 different  
17      questions.  And I just think that's very odd that  
18      that's something that isn't in there.

19                    Another thing, on the call-in system,  
20      as far as people not knowing.  I'm not sure it's  
21      that they don't know.  It's just something they're  
22      not accustomed to.  Because one of the things -- I  
23      mean I think I'm probably as well informed as  
24      anybody.  I can remember one day my boats came in

1 and had two swordfish and I was in the middle of a  
2 Council meeting and I had to take a recess so I  
3 could go out and report them, because I just totally  
4 forgot about it. So, we had to take a recess for a  
5 time because it wasn't something new.

6 And I was very surprised when they  
7 give you the number of the fish on how low the  
8 number was, because I think it was in October  
9 sometime when I called in and I was shocked. I  
10 thought that might have been for just the State of  
11 Rhode Island, and they said no, that was for the  
12 coast. So, that was something.

13 And another thing, I think -- it  
14 seems that the more intercepts we have, the higher  
15 the recreational catch is going to be. That seems  
16 to be something that's happening. So I'm not sure  
17 if it's a better -- I'm sure it's better data by the  
18 more intercepts, but something we have to look at  
19 there, if you -- if the MRFSS data is improved to  
20 the point where it's more reliable, something's  
21 going to have to be done to look at historical  
22 catches to see whether they're way too low or  
23 somehow -- how do you adjust the historic catch rate  
24 when you come up with better data? Or do you just

1 go from that point forward and say we're starting  
2 from zero?

3 MODERATOR CHRISTOPHER ROGERS: Thank  
4 you, Frank. With respect to your first question,  
5 why is the question what you caught not asked, for  
6 that subset of the for-hire survey for bluefin tuna  
7 or those with the HMS angling permits, we do ask  
8 some questions on catch. But for the most part  
9 under the MRFSS methodology, the survey is designed  
10 for effort estimation only. And the catch  
11 information is caught solely from -- or captured  
12 solely from the dockside intercepts.

13 What we have found with the large  
14 pelagics, though, is that it behooves us to  
15 supplement what we can obtain dockside with the  
16 telephone. It's much cheaper to do so. And on the  
17 premise that they're big fish, they're memorable,  
18 for the most part they're easily identifiable as the  
19 species and the size that we feel that there's not  
20 as much a potential for confusion or  
21 misidentification, that you can effectively get that  
22 information over the phone. But again, for the most  
23 part, under MRFSS it's designed for effort only and  
24 not for catch.

1                   With respect to revising catch  
2 histories, yes, certainly that can be done and has  
3 been done by many countries -- many contracting  
4 parties at the International Commission.

5                   What the U.S. has always been an  
6 advocate for, though, is that people just don't come  
7 in with new numbers and say here they are, that we  
8 try to hold people accountable for revisions. And  
9 what we would need to do -- if we can conclude that  
10 the historical series is biased low for whatever  
11 reason, we'd need to come up with some scaling up  
12 factor that's plausible, and we can present and  
13 defend through the SCRS process at ICCAT. And then  
14 we could update that catch history accordingly, and  
15 obviously provide the impetus for renegotiating any  
16 catch limits.

17                   But it's crucial to be able to  
18 document how things have changed and demonstrate  
19 that there was a bias in one direction or the other  
20 presumably, a bias low in the historical record that  
21 we can correct in some rational way.

22                   But it behooves us to be able to  
23 present that and articulate it in a way that's  
24 convincing, as opposed to just well, we're convinced

1       it was low, and therefore we want to update  
2       everything accordingly. Joe McBride.

3               JOSEPH MCBRIDE: Thank you, Chris.  
4       Every time I come down here or go to any meeting,  
5       state or federal, I usually bring out or I complain  
6       about the lack of statistics that benefit the  
7       sportfishing industry. And I use the analogy to --  
8       in some areas the commercial area do a very good job  
9       of figuring out economic impact and landing figures  
10      and it's easy to do. We all know that.

11              But I'm always concerned that when it  
12      comes time to do an improved survey, such as on page  
13      25 here of the SAFE Report, in the year 2001 charter  
14      trips out of New York equal 280 trips for the whole  
15      state -- this is for highly pelagic species, sharks  
16      and tunas. And there are probably 280 on my dock  
17      alone in one harbor in the state of New York.

18              So, now we say we're going to a new  
19      method. And the new method says there -- you know,  
20      approximately 1800 charter trips in the year 2002,  
21      and a total of 8,000 or roughly four percent or four  
22      times the amount of the year before. And that's  
23      great that you improved the methodology.

24              But this methodology is being used to

1 knock down the angling category in the bluefin tuna  
2 and saying we owe in essence 250 metric tons in one  
3 way or the other. It's not being said if you turn  
4 the page, for example, if we were concerned -- as I  
5 mentioned before about the yellowfin tuna survey  
6 done by Dick Stone and Andy what's his name -- I  
7 forget his last name -- Loftus. That survey has  
8 never been utilized. And we were on the phone with  
9 them, we assisted that survey, it's under your  
10 auspices.

11 Now, I don't know if it came out good  
12 or bad for our industry, but we haven't seen it.  
13 And that's one of the things I ask if you'd give us  
14 an answer to. I don't know if it's appropriate in  
15 this particular segment of the meeting.

16 But if you turn to page 26 and you go  
17 let's pick arbitrarily for a moment yellowfin tuna;  
18 and you have landings here for the state of New York  
19 of 4,000 plus yellowfin in the state of New York.

20 Now, are we going to increase that by  
21 four times in the year 2002? Do you understand what  
22 I'm saying? In other words, our landings now --  
23 that's a good thing for the state of New York, and  
24 if you do that up and down the line, wherever your

1       2001 statistics were underreported, if you bring  
2       them up to what you did for the bluefin and so forth  
3       and so on, it could be a big boon economically to  
4       our industry, and certainly give you better,  
5       realistic and fair data for your purposes. And  
6       that's the thing we're talking about.

7               One other thing, and you said you'd  
8       go into it. Every year the same thing. Usually  
9       Nelson brings up he needs observers in the charter  
10      and headboats, and I say absolutely, we ask them on  
11      his fishery, we're entitled to have them on our  
12      fishery. And you know, I don't know the figures, I  
13      get it by hearsay, I don't know much about the  
14      observer program, two to five percent of a fishery  
15      is appropriate, and I said we would certainly  
16      arrange for you, as long as I was president of the  
17      MBCA for that type of coverage in the harbor in  
18      Montauk, without going into all the controversies of  
19      all the other pros and cons, which I'm sure we'll  
20      discuss in more detail.

21             So, that can be done, but you never  
22      utilize it. No one's ever come out and no one's  
23      ever asked, where someone's acquiescing to what you  
24      say is a need to get more appropriate data. And I

1       said before and I'm saying again, sometimes I'm  
2       concerned that the acquiring of the acquisition of  
3       the data is only when it's detrimental to our  
4       industry. And I'd like to see where you come out  
5       with the facts, as best as humanly can, and have a  
6       level field for our industry which we feel is very  
7       important and many of us and our families make a  
8       living at. So, thank you.

9               MODERATOR CHRISTOPHER ROGERS: Okay.

10       Thank you, Joe. Your point about increasing the  
11       estimates, certainly if -- there's two factors in  
12       the equation. If your effort estimate goes up and  
13       your catch estimate goes up, yes, your total catch  
14       estimate will go up. If you improve your database  
15       in terms of number of intercepts or quality of those  
16       intercepts, you will get a more realistic and more  
17       representative estimate of average catch rates.

18               JOSEPH MCBRIDE: Could I speak to the  
19       quality of intercepts for a moment, if I may? I  
20       forgot to bring that up. The young fellow -- I  
21       think it's from Quantech -- that does the Highly  
22       Migratory Species surveys on my dock, usually gets  
23       thrown in the water at most docks in the harbor of  
24       Montauk. He'll come to me because he said Joe, I



1       have to do the surveys -- don't hold me to the  
2       figure, I'm going to say it tongue in cheek -- ten  
3       dollars each. If I can interview you 500 times a  
4       weekend, you know, I'll have a weekend's pay in  
5       essence.

6                       And that might very well be that you  
7       change the format. Instead of sitting at his truck  
8       at a site, he now has to go out and get the forms  
9       filled out to make his money, and for his --  
10      whatever master organization that sends him out into  
11      the field, that's not good surveying techniques  
12      either. You know, I don't know how to improve it  
13      offhand. That's your -- but that is a fact. I'm  
14      saying it again tongue in cheek, but they'll go  
15      where it's easiest.

16                      Now, I probably fish offshore -- I'm  
17      going to say 60 times a year minimum for pelagic  
18      species, and I probably get surveyed 59 of those 60  
19      times because I'll talk to him, and he knows what  
20      time I come in and so forth and so on. And I'm not  
21      knocking the young fellow for doing -- I mean, all  
22      of us when we worked took the easiest road, the  
23      younger we were, the easier road we took.

24                      But it's a problem, and you have to

1       ascertain who's being surveyed, the easy surveys or  
2       is this a harbor survey or a geographic area survey.  
3       Thank you.

4                   MODERATOR CHRISTOPHER ROGERS:   That's  
5       a good point.  Obviously what we want in improving  
6       the efficiency of the survey is to get more  
7       intercepts, but the hope would be that the more  
8       intercepts gives us a more representative picture of  
9       what the average catch rates are.

10                   If the persons that are more  
11       cooperative or easier to interview, as you say, have  
12       lower or higher catch rates than the average, then  
13       it will be biased in some ways.  So, we'll have to  
14       work with the contractor and take a look at that.

15                   And one of the things that we can do  
16       is compare -- as I spoke with Frank to the fact that  
17       we are taking catch information over the phone for  
18       the LPS type phone interviews.  We can compare the  
19       average catch rates by species, composition and size  
20       class to the dockside and see if there are any  
21       problems.

22                   Again, if there are any suggestions  
23       or concerns or observations from the field about the  
24       quality of the interviewers, it's best to let us

1 know while it's happening, and -- you know, if you  
2 feel that they are not making correct species  
3 identifications or that they tend to be focusing on  
4 docks where folks are not as good of fishermen, so  
5 to speak, so they're getting a sample that has a lot  
6 of zero catches in it, versus those who are better  
7 fishermen, or vice versa, you know, they can all be  
8 problems. So, any time folks see problems occurring  
9 or even a perception of problems, always give us a  
10 call and we can work with the contractor to make  
11 sure that we get the best data we can for the money  
12 we pay.

13 And the final point you made with  
14 respect to the Loftus and Stone report, yes, we have  
15 taken a look at that report. We did have some  
16 concerns. Clearly they identified some gaps -- many  
17 gaps, in fact, particularly since the large pelagic  
18 survey only covers the Mid-Atlantic into New  
19 England. And there was a significant amount of  
20 activity particularly in the Gulf of Mexico states  
21 that might not be adequately captured by the MRFSS  
22 down there.

23 So, certainly we don't dispute that  
24 aspect of the report at all, that there are gaps

1       that need to be closed. We were concerned with the  
2       presentation on some of the magnitude, so to speak,  
3       of some of the underreporting and wanted a more  
4       thorough review of it internally before we released  
5       the report publicly as to whether or not the  
6       extrapolations that were referenced in the report  
7       are the best that could be done.

8               Some of them were rather dramatic in  
9       terms of the percents that they were claiming -- the  
10      undercount, so to speak, by 20 percent or a factor  
11      or 20, so to speak. And we wanted to take a look at  
12      that report and be able to comment on it and be in a  
13      position of taking their recommendations and  
14      responding to them. This is what the agency would  
15      do to correct for this problem, to fill that gap,  
16      and so on and so forth.

17             If we can't expeditiously complete  
18      that review, within -- perhaps by the time we have  
19      the spring ICCAT Advisory Committee meeting, we can  
20      just go ahead and release the report and indicate  
21      that we're working on our response.

22             John Dean.

23             JOHN DEAN: Thanks, Chris. Chris, in  
24      March of 2001, the South Atlantic Council met at

1       Jekyll Island, and we had just come back from  
2       Marrakesh and the 250 number was burned into our  
3       brains. And at that meeting, the HMS Committee  
4       discussed this, recognizing the history and  
5       suggested that if you look at the states of North  
6       Carolina, South Carolina, Georgia, that we in fact  
7       were conducting essentially a census on billfish at  
8       that time and had for many years, and that data was  
9       available.

10               And at the same meeting, Florida said  
11       that well, if asked, they would institute a census,  
12       as well. It was our impression that the Gulf has  
13       essentially a complete census on their billfish  
14       landings in addition at that time. And that's never  
15       been requested. And it might be interesting to  
16       compare what those states are collecting, whether  
17       you exist or not, with what's being collected with  
18       the reporting.

19               I would have much more confidence in  
20       that data collected by those states. And I think  
21       this might speak to the opportunity for the  
22       Division, which is that with some resources given to  
23       the states that they could do -- at that  
24       decentralized level and the fact that you might have

1 people out there that have relationships with the  
2 different angler communities, that you might get a  
3 higher quality of data. So, decentralization is  
4 certainly an opportunity, I think.

5 The second thing is for the last  
6 three years we discussed at this meeting that the  
7 ACCSP has a module that would assist in the  
8 collection particularly of HMS data and specifically  
9 on yellowfin tuna, and we've heard that that would  
10 happen -- and that would happen.

11 So, can you tell us in fact what has  
12 happened relative to HMS and interaction with the  
13 ACCSP on bringing this online.

14 MODERATOR CHRISTOPHER ROGERS: I  
15 presume your question refers to both commercial and  
16 recreational, because we do participate in both  
17 aspects of the ACCSP. And I know at one point,  
18 although I don't know that it's completed, there was  
19 an effort by our Office of Science and Technology to  
20 complete an electronic reporting module through  
21 ACCSP for the commercial landings for swordfish and  
22 the regulated tunas to improve the statistics there.

23 I'm not exactly sure whether I can  
24 find out what is happening in that system, whether

1 it's been fully implemented and whether that has  
2 improved the commercial statistics for particularly  
3 swordfish and yellowfin tuna.

4 With respect to recreational, we've  
5 participated on the Rec Tech Committee for --  
6 Recreational Technical Committee for ACCSP for a  
7 number of years. And for the most part, they have  
8 adopted a survey methodology under MRFSS, and  
9 acknowledged that the LPS is there as an adjunct to  
10 MRFSS to try to capture more complete information on  
11 the fisheries for Highly Migratory Species.

12 We've also participated with respect  
13 to those logbook programs, to the extent that ACCSP  
14 is trying to coordinate them. So, with respect to  
15 our surveys, the design of the questionnaires and  
16 logbooks and the data elements for data sharing,  
17 we're fully consistent with the ACCSP  
18 recommendations.

19 Something that we've done independent  
20 of the ACCSP, and I don't know to what extent we can  
21 integrate would be the direct reporting schemes that  
22 we've tried on the federal level. Certainly we've  
23 had the experience with two states, Maryland and  
24 North Carolina, to enhance -- as you say,

1 decentralized the direct reporting schemes, and that  
2 has been successful. We have put money into that  
3 and have invited other states to participate as  
4 well.

5 I've been at several ACCSP meetings  
6 discussing the concept of real-time quota monitoring  
7 in recreational fisheries and whether survey  
8 approaches can be adapted to do so. My personal  
9 experience is, it's a tough thing to do. It's a lot  
10 of money, a lot of time, and it is a volatile thing  
11 to estimate recreational landings in-season. And I  
12 recommended to other interested parties,  
13 particularly state reps at these meetings, that the  
14 experience with bluefin tuna wasn't the greatest  
15 with respect to using survey methodologies for in-  
16 season monitoring. And that's why we have gone to  
17 the direct reporting schemes.

18 But we do have more staff in 2000 --  
19 or did have more staff in 2003, and will have more  
20 staff in 2004, so we'll try to participate to a  
21 greater degree in the ACCSP meetings. One of the  
22 things that I've recently asked Joe DesFosse to do  
23 is give me an inventory of all the committees and  
24 subcommittees involved in the ACCSP process so that



1 we can make sure that we're not missing out.

2 I did get a call from Dick Stone  
3 about two weeks ago and I think he called it a  
4 Biological Review Committee of ACCSP, a Biological  
5 Data Collection Committee, and I was unfortunately  
6 unaware that such a specific committee existed, and  
7 certainly could have had somebody -- or at least  
8 some representation at that meeting. But we will  
9 try to fully invest ourselves in the ACCSP process.

10 We have been in several discussions  
11 with Maury Osborn about how we can work  
12 collaboratively with ACCSP on improving the surveys  
13 and the direct reporting schemes. So, progress  
14 hopefully will be made, but it's been arguably slow.  
15 And it does take money.

16 JOHN DEAN: Chris, it's just that  
17 when we've had reports from the ACCSP people,  
18 there's an inconsistency in what you're telling us  
19 today and what we hear from them relative to  
20 activities. So, I guess you all get together and  
21 sort that out. Thank you.

22 MODERATOR CHRISTOPHER ROGERS: Thank  
23 you. Louis Daniel.

24 LOUIS DANIEL: Thank you. I'm just

1 going to try to play advisor here, no questions.

2 But -- and not get into the significant impacts that  
3 the November 15th angling closure had on North  
4 Carolina. But I sort of akin what we've done with  
5 the LPS survey with -- we've lost the randomized  
6 nature of the survey. And if we did that with a  
7 fishery independent trawl survey and hired the  
8 fishermen to go to the pods of fish, it wouldn't --  
9 no longer be valid. It would no longer be a fishery  
10 independent survey, which survey is the key word  
11 there.

12 So, by paying people to go around and  
13 find the fishermen is just like having the trawl  
14 captains go around and find the fish, and that  
15 creates a real problem, and likely results in a  
16 significant overestimate, which the North Carolina  
17 experiment at least has shown that the LPS survey  
18 tends to overestimate the harvest by as much as 65  
19 percent. Now, that's a jointly developed project  
20 between North Carolina and National Marine Fisheries  
21 Service.

22 That's the answer. I mean, we know  
23 that the MRFSS is not sufficient for rare species,  
24 rare encounter species. That's the reason why we

1 entered into the agreement with NMFS to develop what  
2 North Carolina and Maryland have developed, which is  
3 a census, which exactly counts every bluefin tuna  
4 that comes to the dock.

5 And with a fishery that's as valuable  
6 as bluefin tuna, not to have that system throughout  
7 the east coast is a travesty, particularly to those  
8 folks that get shut down at the end, particularly if  
9 we're the ones who help develop the survey.

10 So, we have outstanding records in  
11 terms of actual numbers of bluefin tuna being caught  
12 in North Carolina. But by the time that the fishery  
13 was to come and start in our area, it was closed  
14 down. And that creates a real problem in the plan,  
15 as well, in terms of ICCAT -- our ICCAT plan and our  
16 HMS plan, in that it indicates that paybacks will be  
17 made the following year.

18 But this year that wasn't the case.  
19 It was closed down in the hopes that we wouldn't  
20 have an overharvest problem. So, that's a little  
21 bit inconsistent there. But I think that anyone  
22 involved in the bluefin tuna fishery, as valuable as  
23 that fishery is, and with the impacts that a closure  
24 will have on your fishery if it occurs -- because we

1 know firsthand this year what impacts it has to  
2 North Carolina's charter industry, everybody needs  
3 to be dealing with a census.

4 MODERATOR CHRISTOPHER ROGERS: Thank  
5 you, Louis. I'll reiterate that it's only because  
6 we have an in-kind contribution on the part of the  
7 states of Maryland and North Carolina that we've  
8 been able to implement those programs. Certainly  
9 the federal government has put money into it, but by  
10 and large it's run by state personnel and that's a  
11 key to it, and we have invited other states to  
12 witness -- obviously that was what happened with  
13 Maryland. They looked at what was happening in  
14 North Carolina -- in fact, I guess Doug Mumford came  
15 up and made a presentation to Maryland DNR and they  
16 put in a state reporting requirement and adopted  
17 that same system.

18 In the absence of participation by  
19 the other states, we did go ahead on a federal level  
20 and make a mandatory reporting requirement. We set  
21 up a toll-free telephone -- touch-tone system, as  
22 well as the web-based reporting. And ideally, if  
23 people comply, that is a census, and it is a real-  
24 time census. Unfortunately we do have some problems

1 with that system. But again, we do acknowledge the  
2 programs implemented in North Carolina and Maryland  
3 and it is predicated on state involvement.

4 LOUIS DANIEL: But I think that  
5 National Marine Fisheries Service could put some  
6 pressure on the states if they -- if they want to  
7 continue to participate in this fishery. And I  
8 think we need to do that. The states need to pitch  
9 in and help, like North Carolina and Maryland have  
10 done, to account for these valuable fish. You know?

11 Especially those states that have the highest  
12 landings, and especially if that means that another  
13 state's going to be disadvantaged because of the  
14 failure of that state to adequately account for  
15 these fish.

16 MODERATOR CHRISTOPHER ROGERS: Thank  
17 you. Rom Whitaker.

18 ROM WHITAKER: Thank you, Chris.  
19 I'll just reiterate what Louis said. I mean, I'm in  
20 full support. The states that are going to  
21 participate in the angling, they need to be  
22 accountable. Everyone's accountable on the  
23 commercial side of it. Every fish is counted. So,  
24 here we are at the end of the year again, there's

1 plenty of fish for me to catch, but I feel like due  
2 to miscounting I can't catch them. And it's  
3 personally impacting me 15 trips that I can document  
4 of people just saying we're not coming if we can't  
5 catch fish. Call me when it opens up. Well, I  
6 haven't been able to call them yet, but hopefully  
7 I'll get it back one day.

8 As far as the LPS and MRFSS, I think  
9 when you put the phone call, whether I have to call  
10 you and report or whether you call me and I start  
11 asking questions, especially when somebody calls me  
12 at Hatteras and asks me did I fish in a lake, a  
13 river or a stream today, I don't have much time to  
14 deal with them after that.

15 So, fortunately, North Carolina has a  
16 very good program of dockside surveys and our people  
17 -- I don't know who does the training. I commend  
18 Louis. Bill -- Doctor Hogarth might have started  
19 the program, but they are very polite, they're very  
20 efficient, and they're well-trained. If I throw a  
21 king mackerel and a wahoo up there, they don't have  
22 to ask me what kind it is. They know what it is and  
23 they have the measurements.

24 It seems to be a really good program

1 and whatever we have tied in with the ACC --  
2 whatever, I'm glad to hear Doctor Hogarth say he's  
3 ready to start a new program, because what we've got  
4 does not seem to be working. The tail tag programs  
5 that worked great, I'd like to see every state  
6 that's participating in that fishery do it.

7 As far as the marlin count, I agree  
8 with Mike Leech, we got shortchanged on the end of  
9 the stick and they need to raise the bar. We all  
10 said when we started counting these fish like  
11 they're supposed to be counted that it's going to be  
12 higher than 250, and obviously that's turned out.  
13 But I still think the conservation effort is  
14 tremendous in the recreational community and here  
15 we're being penalized for something that we've  
16 worked so hard to really bring to a small number.  
17 Somebody get up and tell them if they don't know.

18 The permits, I have to get my king  
19 mackerel permit from South Atlantic. I have to get  
20 my bluefin permit from somewhere up north I think.  
21 I have to get my marlin large pelagic permit from  
22 somewhere. I have to get my coastal pelagic from  
23 somewhere. I'm not even sure if I got all of them.

24 I hope I do, especially if I get boarded. But

1       let's somehow make that system a little better if we  
2       can. I'd like to just fill out one form and check  
3       the fisheries I'm involved in.

4               Logbooks, I'm like everybody else, I  
5       don't want to do it, but it seems like a necessary  
6       evil, and I think it would be very efficient as far  
7       as checking dockside surveys and vice versa, and  
8       make some recreational guys that are holding permits  
9       do it, make charter boats do it. And as far as  
10      observers go, I more than welcome an observer on my  
11      boat anytime he'd like to come, and we'll personally  
12      see to it in our area that if you want to place  
13      observers, I'll make sure that we have boats  
14      available. Thank you.

15              MODERATOR CHRISTOPHER ROGERS: Thank  
16      you, Rom. Russ Nelson.

17              RUSSELL NELSON: I see we a need  
18      little more than the half hour that was on the  
19      agenda for this issue. A couple questions. Joe  
20      referenced the table the 2001/2002 LPS effort data  
21      there. And I'm just -- when I'm finished -- tell  
22      me, is the procedural change in intercept sampling  
23      the reason that 2002 has 400 percent the effort that  
24      was in 2001?



1                   A specific question is about six  
2 weeks ago, you all issued a press release, and I  
3 believe the Federal Register Notice, indicating that  
4 people had to report the landing of every shark.  
5 Has that been corrected and has there been a notice  
6 or a press release going back out indicating that  
7 that isn't in fact the case?

8                   Finally, I don't think you should be  
9 surprised, Chris, at the fact that this reporting  
10 and the permitting of across the board recreational  
11 anglers didn't work out. I think everybody at this  
12 table a year ago told you it probably wouldn't work  
13 out. I know in South Florida, where I live, I tend  
14 to make a habit of asking people when I meet them  
15 and they fish, if they have a boat behind their  
16 house, if they have a permit. I'd say about one in  
17 three respond to me that they've even heard about  
18 it.

19                   Something that might help,  
20 particularly with swordfish landings, because I have  
21 talked to club members and folks in South Florida  
22 who are -- were sort of confused at the onset about  
23 it, and when it \*became to\* effect. I know a lot of  
24 people who aren't reporting their landings now

1 because they occurred five, six, eight months ago  
2 and they're afraid if they were to call in at this  
3 point and report them, they'd get charged with  
4 something. So, they're sitting on all that  
5 information. That's it.

6 MODERATOR CHRISTOPHER ROGERS: Okay.

7 We have heard that -- on that last point, we have  
8 heard from several sources that as people have  
9 become aware of the reporting requirement after the  
10 fact that they are concerned about some sort of  
11 amnesty. So, we'll have to work with enforcement if  
12 there's some way we can get a reporting free day or  
13 something like that, so everybody can call in. But  
14 we'd have to make sure we got the phone banks ready  
15 if there's a significant amount of un -- of catch  
16 that's just waiting to be called in. So, we will  
17 look into that.

18 With respect to the increase in  
19 effort estimates, there's a lot of things that come  
20 into play. I didn't mention, but there was a change  
21 with the telephone survey as well last year, and  
22 that was previously the draw, the random draw would  
23 be made from the list, for each state and each mode,  
24 the private versus charter in each state. And there

1 would be a requirement to dial five times, and if  
2 you couldn't connect with somebody after the fifth  
3 attempt, then you could draw again from the list.

4 And there was a concern that under  
5 that procedure there would be a tendency to connect  
6 with the people who perhaps weren't out fishing as  
7 much, because they were easier to connect with. So,  
8 under the new procedures, they were supposed to  
9 continuously dial during the two-week period until  
10 they connected with somebody, on the hopes that over  
11 the course of several days or even two weeks you  
12 could appropriately connect with people.

13 And to the extent that that might be  
14 true, that folks that are out fishing more  
15 frequently are harder to find in the evening on the  
16 phone, there might be some effect on the effort  
17 estimates and that the average effort rates have  
18 gone up because of the new dialing procedures.

19 But it's hard to discern that from  
20 another phenomena, and that is we have noticed that  
21 in those years where the -- particularly the bluefin  
22 tuna catch limit is down, down to two per vessel per  
23 day, as opposed to one per person, and this  
24 particularly affects the charter fleet, as Rom

1 Whitaker just stated, that lower catch limit or none  
2 really affects the ability to book the charter.

3 So, in one sense there is an  
4 interaction between catch limits -- higher catch  
5 limits do involve a higher level of participation  
6 and interest in the fishery. So, there are a lot of  
7 factors that come into play from one year to the  
8 next that can increase the effort estimate.

9 And again, when that is coupled with  
10 the catch estimate, catch per trip, it does lead to  
11 fluctuations from one year to the next. And the  
12 committee will be reviewing all of the  
13 methodological changes in terms of conduct of the  
14 survey as well as making the estimates and have that  
15 report available for the ICCAT Advisory Committee  
16 meeting. Ellen.

17 Oh, sharks. With respect to the  
18 correction. Did you have anything on that, Karyl?

19 KARYL BREWSTER-GEISZ: I did let our  
20 public affairs person know about it. I have not  
21 heard back from her, but I believe she's been  
22 correcting anyone who calls in about it, because I  
23 haven't heard any questions. I think the first week  
24 it came out, I was getting them all the time. And

1       also with the release of the brochures, I think that  
2       might have helped clarify it.

3               Everyone should have gotten brochures  
4       with their SAFE Report, and we have plenty more. If  
5       you want to grab a handful, we can always have you  
6       hand out more. That would be great.

7               RUSSELL NELSON: Yeah, I'm probably  
8       remiss because I probably got about a hundred of  
9       your 43,000 brochures, and I guess I was supposed to  
10      be going around and giving them out to people, but I  
11      haven't done that.

12              RUSSELL DUNN: If I could actually  
13      just expand on that one point a little bit. In  
14      terms of people not knowing about permits or  
15      reporting, we would hope that the folks on the  
16      Advisory Panel would sort of act as our mouthpieces  
17      out there. I know a number of you who have  
18      newsletters have put it in your newsletters. The  
19      agency has done what it can to try and get the word  
20      out by drafting articles, putting -- getting those  
21      put out, doing the fax notices, getting -- like I  
22      said, the 43,000 brochures out.

23              We are working right now with Sea  
24      Grant programs to develop an improved outreach

1 program to increase awareness on permitting and  
2 reporting issues. In terms of amnesty sort of  
3 issue, we are working with one club right now that  
4 have about 150 swordfish backlogged and we're trying  
5 to figure out how fast we can obtain that data.

6 RUSSELL NELSON: Just quickly to  
7 that, though, Russ, you all need to understand that  
8 of all the people who are anglers out there, a  
9 relatively small proportion of them are members of  
10 like the Billfish Foundation or CCA. I mean, those  
11 kind of people get the newsletters. Those kind of  
12 people go to the meetings. You know, and I know a  
13 lot of us have been out, talking to people, trying  
14 to explain these regulations.

15 But for instance in the State of  
16 Florida, there are two million licensed anglers. I  
17 mean, the Coastal Conservation Association of  
18 Florida is by far the largest recreational angling  
19 group, and they've got about 8 or 9,000 members.  
20 And Ellen's probably got a few -- 3 or 4,000 members  
21 there.

22 But you're looking at people who have  
23 -- here around this table who largely have access to  
24 a very -- to the tip of the iceberg of the angling

1 community. And again, you guys have got to figure  
2 out some way to let people know down there at the  
3 big part of the iceberg.

4 RUSSELL DUNN: And we're working on  
5 that, and we would appreciate any suggestions that  
6 you all have in that regard, how best to reach your  
7 constituencies or maybe those not in your  
8 organizations, but beyond that. So, any suggestions  
9 you have would be appreciated.

10 RUSSELL NELSON: Well, like in the  
11 instance of the shark thing, I saw that because  
12 Susan Cocking, who's the outdoor writer for the  
13 Miami Herald, put it in one of her articles. And I  
14 read it and said this isn't right, and I called her  
15 up. She said no, it's in the press release. And  
16 then I went and looked and -- and I called up -- it  
17 would have been a really good idea if someone from  
18 your office after having realized that mistake had  
19 called Susan Cocking back and said we realize you --  
20 you know, you found the error, we printed it  
21 inadvertently, so could you make a correction. But  
22 I don't think anybody did that. Those simple little  
23 things can sometimes do just what you're talking --  
24 help get the --

1                   MODERATOR CHRISTOPHER ROGERS: Ellen  
2 Peel.

3                   ELLEN PEEL: I think what Russ -- the  
4 part of the community Russ is referring to is what  
5 many of us would call weekend warriors. If you fly  
6 over Fort Lauderdale, Miami, all the way north of  
7 Palm Beach, there are probably more boats behind  
8 houses than there are swimming pools. And there are  
9 a lot of people who just go out on the weekends.  
10 Their success varies. They're not member of clubs.  
11 They're not member of organizations.

12                   But to my comments on this, let me  
13 try to start off and be very nice by the two  
14 positive comments I have on this long list. Chris,  
15 you know, I want to thank you again -- I know I did  
16 last summer. Chris was very helpful during billfish  
17 tournament time when a lot of anglers were confused  
18 on what the new permit was, thinking it had rod and  
19 reel in the title, that meant it was billfish. So,  
20 some billfish anglers ended up with general category  
21 rod and reel permits, and we ended up correcting  
22 that. And Chris and Jack and several others up here  
23 were very helpful, and we really appreciate that.  
24 I'm hoping -- we handed out a great deal of



1 information at those events, and hopefully we've got  
2 anglers aware.

3 Bill, it's also good to hear that  
4 you've made the correction with the Southeast  
5 Science Center in the timing of getting information  
6 to you before you go to ICCAT, as happened this year  
7 with bluefin and blue marlin. I will say I would  
8 not want to be Russ Dunn or anyone from his office  
9 following that fiasco to go out to any other public  
10 meetings in the Gulf of Mexico, which are generally  
11 the most gracious and genteel anglers you can run  
12 into. After he left, they were looking for tar and  
13 feather when they learned that in fact what he had  
14 shared with them -- and I know honestly he thought  
15 those were the numbers -- when they learned that he  
16 said it with such a straight face and those numbers  
17 were not what you were saying were the official  
18 government numbers.

19 So, I suggest all of you up there at  
20 that front table come to the Gulf of Mexico next  
21 public meeting, don't send this poor guy or his  
22 cohorts out of the St. Pete office, because he isn't  
23 going to stand much of a chance. Now, Bill --

24 UNIDENTIFIED (No microphone): I

1 second that.

2 ELLEN PEEL: Yeah, I mean -- you  
3 know, he's trying to do a very good job, and as soon  
4 as he gets out of Dodge, they learn in fact what he  
5 said is not the U.S. position.

6 Now, to that point, Doctor Hogarth  
7 just acknowledged that the MRFSS is not a system  
8 that's designed for quota management, and I don't  
9 think any of us disagree with that. There are  
10 plenty of scientists around the table that can go  
11 into the technical aspects of that.

12 We all -- we're all on the same team  
13 when we go to ICCAT. We know that and we support  
14 that. We all want to comply. However, for the  
15 agency to take a system that you've acknowledged was  
16 not designed for the purpose for which you used it,  
17 quota monitoring, apply it to one year, one species,  
18 you couldn't get it to fit to the other species, but  
19 you applied it to one species. And as Doctor Graves  
20 pointed out, you know, you now have unfairly screwed  
21 or kept the recreational community held to a number  
22 that in the eyes of the rest of the world looks like  
23 that we are out of compliance, when you change the  
24 measuring stick.

1                   Now, that may not be legally  
2           arbitrary and capricious, but let me tell you  
3           something, from someone who's on the docks all  
4           summer, the agency that is arbitrary and capricious  
5           in the eyes of the anglers, the very people you  
6           depend on or that you want to support this  
7           monitoring and reporting system -- you know, they  
8           are losing faith in ICCAT.

9                   We go around telling them it's the  
10          only game in town, it is our only hope for all the  
11          challenges we have, yet you change the system in  
12          midstream right after you send someone out with  
13          different information. So now they're saying why  
14          should we support what the agency wants, why should  
15          we support them when they go to ICCAT?

16                  I think there needs to be -- instead  
17          of becoming fully involved and participating and  
18          working on responses, which are all the words and  
19          explanations that have been given earlier in this  
20          comment period, we need -- all of us, but you as the  
21          guiding individuals need to think and execute.

22                  And if there was not an attempt at  
23          ICCAT this year to correct or to explain how you  
24          came up with the U.S. angling community exceeding

1 its numbers, then I hope you do more than working on  
2 the process before October, that you go in and that  
3 you apply the methodology to the entire catch  
4 history, so that those low biased numbers are  
5 adjusted upward and then you pick a number.

6 The angling community is not saying  
7 by God, we want to kill more fish. We haven't. We  
8 picked 250 while we were there, because relatively  
9 speaking it looked like a fair cap based on catch  
10 history. Now, go back and apply the methodology to  
11 the catch history, select a number that's relative  
12 to that. We certainly aren't out to killing a lot  
13 of fish. And then adjust those numbers at ICCAT and  
14 the catch limit. You'll have more anglers  
15 supporting you. But to go over and change it  
16 midyear, right now they are furious.

17 Jack or Bill, one said that you're  
18 going to be holding tournaments accountable. If you  
19 permit these, can you issue citations? Can you  
20 require body tags outside of tournaments perhaps? I  
21 mean you've got to do something. We're not killing  
22 more fish. If the catch history is low, let's  
23 adjust it and then make adjustment on the cap quota.

24 Two questions to Russ Dunn. We spoke

1 a week or so ago on the numbers -- and I also talked  
2 to Miami, as well, on the numbers thus far reported  
3 for '03. Either I misunderstood what you said just  
4 a few minutes ago, but I thought you said earlier  
5 that we were at 97 blue and white marlin combined  
6 outside of tournaments, and a little higher number -

7 RUSSELL DUNN: We've got -- non-  
8 tournament landings -- hold on, let me -- tournament  
9 RBS landings right now, we have 70 blue marlin, 20  
10 white marlin, 21 sailfish, 34 sword --

11 ELLEN PEEL: Well, just on the blue  
12 marlins. I mean, the blue and white, since that's  
13 what we're held to, the 250, you've got 70 blues in  
14 tournaments and how many outside?

15 RUSSELL DUNN: Hold on. It's on a  
16 different page.

17 ELLEN PEEL: I thought we were at 104  
18 and --

19 RUSSELL DUNN: Seven blues outside  
20 the tournament, 70 blues in tournaments.

21 ELLEN PEEL: Okay. And have you  
22 spoken with the Miami office? Because I got their  
23 figures and I've got yours and these are not the  
24 same figures. I have them upstairs in the room, but

1       there is a big difference. We're still under even  
2       with the overage that has to be rolled over and some  
3       of the numbers I think John Graves acknowledged at  
4       our October meeting that hadn't been reported, but  
5       the numbers are much different.

6                RUSSELL DUNN: These numbers are as  
7       of Thursday, the 70 and the 20. And the seven blue  
8       marlins are as of February 5th, and I don't remember  
9       it was that was Thursday or Friday.

10              ELLEN PEEL: Okay. I'll bring the  
11       numbers down that I got between Anna and your office  
12       and maybe we can straighten them out tomorrow. And  
13       the tournaments you were reporting -- talking about  
14       a while ago, are these just billfish tournaments?

15              RUSSELL DUNN: No, that was aggregate  
16       tournaments, but -- and I can't do it today because  
17       I don't have it with me, but about -- a little over  
18       200 of those I think are billfish tournaments, of  
19       the 254.

20              ELLEN PEEL: Of the 250 --

21              RUSSELL DUNN: Yeah, I can -- when I  
22       get back to my office, I can give you that exact  
23       number.

24              ELLEN PEEL: You know, and speaking

1 of your 47,000 brochures, I think Billfish  
2 Foundation took at least a thousand and we were  
3 handing them out. However, it's become dangerous to  
4 be your mouthpieces on the dock. Inside the beltway  
5 it's probably safe, but they are -- you know,  
6 completely losing confidence. And so until -- I'm  
7 telling them right now we're going to make -- that  
8 we're going to argue, and hopefully you will listen,  
9 to make changes at ICCAT on that historical catch  
10 history, you know, and change that limit. Or you're  
11 going to come up with a better reporting method. We  
12 told you a year ago it wouldn't work. But to be  
13 your mouthpiece right now is hazardous.

14 MODERATOR CHRISTOPHER ROGERS: Bob  
15 Zales.

16 ROBERT ZALES, II: Thank you. First  
17 off, a couple of things. Number one, in reference  
18 to Russell Nelson's comment about the shark thing --  
19 and I'm not an attorney, but this was a Federal  
20 Register Notice that I read, because like an idiot I  
21 take that now and I read it every day. But the --  
22 and you say you put it out to Public Affairs to  
23 correct. I would understand that if it's in the  
24 Federal Register Notice it would be completely and

1 totally a legal comment, and just a Public Affairs  
2 notice doesn't necessarily change it. Because I've  
3 seen other Federal Register Notices that have  
4 contained a mistake, and then they've been corrected  
5 at some future date.

6 KARYL BREWSTER-GEISZ: This mistake  
7 was not in the Federal Register Notice. It was in  
8 the Public Affairs press release.

9 ROBERT ZALES, II: I'll have to go  
10 back and check and see, but for now I would disagree  
11 with you, but I'll accept it.

12 And to John Graves's comment, and I  
13 would encourage the Fisheries Service to work on  
14 this, I think he's a hundred percent correct in  
15 talking about the methodology that was used to  
16 develop the 250 fish. And as an example here, I'm  
17 going to say -- because most everybody here knows --  
18 I don't know that people in the Fisheries Service  
19 do, when it comes to the for-hire survey that's out  
20 there right now I was initially involved in that in  
21 the Gulf and helped design that whole system.

22 And in 2000, when that system was  
23 initiated in the Gulf, for the red snapper fishery  
24 itself, it showed a 30 percent reduction in harvest



1 and a corresponding reduction in effort over the old  
2 way. So, clearly there's a way to take that old  
3 methodology, and whatever new methodology it's  
4 created, to somehow statistically go back and play  
5 with those numbers.

6 But somehow you need to go to ICCAT  
7 and adjust that 250 figure. Whether it's adjusting  
8 it up, or adjusting what we have now down, to put it  
9 on a fair playing field, an apple to apple type  
10 comparison.

11 Next I've got -- with some statements  
12 that Chris made earlier, when you were talking about  
13 the site selection and you were talking about  
14 clustered sites as being new as to the old sites as  
15 being picked however, it's my understanding with my  
16 involvement of MRFSS -- and this would be primarily  
17 from the Gulf of Mexico, and this is from years of  
18 being involved with them, site selections have  
19 always been done in a way that they were randomly  
20 selected, but there were also alternative sites  
21 created with the initial site that was there, so  
22 that when a dockside interviewer went to a site,  
23 there was no activity that day. They had an  
24 alternative site to go to to check. That's always

1       been the way. Is that any different on the east  
2       coast or --

3                   MODERATOR CHRISTOPHER ROGERS: No,  
4       under the Large Pelagic Survey protocol, it was  
5       you'd pick a site from the site registry at random  
6       and then you'd remain at that site for the four-hour  
7       period. We didn't have the cluster with the  
8       availability of alternate sites as per the MRFSS  
9       protocol. And that's why we adapted that for the  
10      Large Pelagic Survey last year -- or for 2002.

11                  ROBERT ZALES, II: Okay. Next --  
12      because a lot of comments have covered what I'd like  
13      to say, and I agree with a lot of things that have  
14      been said here, and there have been several of us in  
15      the Gulf of Mexico and also I guess through other  
16      parts of the country, and my relationship of an  
17      association where I represent for-hire people from  
18      across the country, and it's only in HMS as  
19      everybody has stated, it's inherently been in MRFSS.

20      Every fisherman -- recreational fisherman that I  
21      know of in this country without a doubt will tell  
22      you that there is problems in the way that they see  
23      data as its been collected and reported under the  
24      current system. Nobody's happy with it.

1                   Everywhere you go -- and I've heard  
2                   this mentioned several times today -- people have  
3                   said that this system was not designed to track a  
4                   quota and should not be used to track a quota. I  
5                   have in my possession copies of agency information  
6                   from people within the agency discussing back as far  
7                   as 1987, that this system should not be used for  
8                   this.

9                   It took us ten years, from '87 to  
10                  '97, to get the Fisheries Service to do something  
11                  different. That was the beginning of the prior  
12                  survey process. For-hire survey was implemented in  
13                  the Gulf of Mexico in January of 2000. It was  
14                  recently implemented on the east coast sometime this  
15                  year, just this past year. I attended a couple of  
16                  meetings in the environment of that.

17                  I was a big advocate of that for-hire  
18                  survey, and I had high hopes for it, and will tell  
19                  you that it has done a little bit better than the  
20                  traditional way of doing things.

21                  When it comes to the private angler,  
22                  pure recreational angler, the MRFSS system is still  
23                  like it's always been. It's never changed. You're  
24                  still having the same problem that you had with it

1 with us. With our part of it, some of the stuff has  
2 changed a little bit. But problems that it did not  
3 fix, it still does not correct problems with weather  
4 impacts. It does not work with economic or social  
5 impacts. And those are serious problems.

6 In the Gulf of Mexico, an example, in  
7 September -- this would be WAVE 5 of 2002 -- there  
8 were seven main storms in the northern Gulf of  
9 Mexico. The effort for WAVE 5 and the catch for  
10 WAVE 5 for red snapper in 2002 is as high or higher  
11 than any other year prior to that when there wasn't  
12 any storm at all in September of that year.

13 So -- and many of us only fished five  
14 to seven days in that month. There is no way  
15 possible from somebody on the water that that effort  
16 and catch can be that high for that particular WAVE.

17 I've yet to get a clear answer as to why that  
18 happened. I think that Dave Van Voorhees and his  
19 staff are working with that.

20 These problems are there. And so  
21 I've now gotten with some people and we've talked  
22 about this, and we've come up -- we want something  
23 different. Many people here have dealt with  
24 logbooks. I've never been a proponent of logbooks.

1       When we first talked with these committees, HMS and  
2       Billfish, when these committees were first formed up  
3       and I was a member of both, the issue of observers  
4       came up, and I was opposed to that. Most of the  
5       people that I represent that I talk to and worked  
6       with were opposed to it. They've now changed. It  
7       surprised me.

8               Everybody that I've talked to in the  
9       Gulf of Mexico, and I've talked to a lot, when you  
10      mention the system and you mention alternatives, the  
11      logbook is what they want now. They want a logbook.

12             You mention to them that an observer  
13      maybe have to -- will be initiated to verify that --  
14      on a random basis that this logbook is being done  
15      properly. They don't have a problem with that  
16      anymore. They're welcoming observers to this. They  
17      want to do this.

18             Obviously it sounds like in North  
19      Carolina and Maryland, what they've got, from what  
20      I'm hearing is a mini-logbook. You're reporting one  
21      fish. That in a sense to me is a mini-logbook. It  
22      seems to work.

23             So, what we've got here is -- and  
24      we've got people continually asking for more money

1 to pour into the MRFSS system. If you give them  
2 more money, they can make the system better.

3 I will sit here and tell you and  
4 argue with you that this system has been flawed from  
5 beginning to do what the Fisheries Service wants it  
6 to do. As far back as 1987 there's comments saying  
7 that this system can't work. It's time to stop  
8 pouring money into this system to try to make it  
9 work. Let's pour money into a system designed to do  
10 what you want it to do from scratch and make it  
11 work. And I think that now is the time to get  
12 support for that. Like I say, everybody I'm talking  
13 to is supporting this.

14 So, that's going to be my suggestion,  
15 that with HMS at a minimum and to the Fisheries  
16 Service I'm going to suggest that especially for  
17 those of us in the Gulf of Maine the time right now,  
18 we want to see a logbook and we want to see  
19 observers. We also want to see -- public hearings  
20 were held on vermilion snapper and the new red  
21 snapper rebuilding plan in the Gulf of Mexico about  
22 a month ago. Without -- not one public hearing that  
23 I know of that I read the transcripts from, every  
24 one of them had the vast majority of the people in

1 the for-hire business wanted logbooks. There were  
2 even many purely recreational people that wanted the  
3 license and they wanted some kind of way to provide  
4 information to the Fisheries Service on what they  
5 caught.

6 The private people that I come in  
7 contact with constantly ask me how they can give  
8 information. You need to license these people.  
9 Everybody needs to be licensed. You've got to  
10 identify the users of the resource. If you don't  
11 know how many people is out there using this  
12 resource, you can't manage this resource properly.

13 And then you've got people willing to  
14 give you information, work out a way to get it. I  
15 mean, they're begging to give it. They just can't  
16 figure out how to do it and they don't understand  
17 why they can't.

18 So, these things need to be worked --  
19 we're willing to work with you. We've offered  
20 letters, and Rebecca has jumped on me about some of  
21 the letters because undoubtedly I'm a little tough  
22 with them and it appears that I'm not trying to work  
23 with the Fisheries Service too much anymore, but I  
24 am. I'm trying to offer suggestions and I'm doing

1       this on -- it's not from me alone. It's from many  
2       people that I represent.

3               We want to see change. We want to  
4       see something different. And we're willing to work  
5       with you to help you design a system to work. We're  
6       here. Use us and go from there.

7               MODERATOR CHRISTOPHER ROGERS: Thank  
8       you, Bob. Phil Goodyear.

9               PHIL GOODYEAR: Thanks. I just had a  
10       couple of comments. First, the table giving the LPS  
11       effort estimates on 24 for 2001, if you could find  
12       somebody just to check to make sure that those data  
13       are really the data that they're supposed to be.

14              The format is different between the  
15       two years and it looks to me like it might be an  
16       erroneous table, something copied from something  
17       else. It's on page 24.

18              Also I want to make a slight  
19       correction to what John Graves said about the  
20       combination of the RBS and the LPS estimates for the  
21       old time series for white marlin and what is now  
22       being done for blue marlin and sailfish.

23              The LPS estimates are made from North  
24       Carolina northward, and there is no overlap between



1 part of the RBS survey and LPS. What was actually  
2 done is to look and pick the estimate that was the  
3 higher for the place where they overlap, and then  
4 add the two together if there was -- if the LPS  
5 estimates were higher than the RBS estimates for the  
6 areas north of North Carolina.

7 I'm familiar with the methods that  
8 have been used to expand the white marlin catch  
9 history back in time, and those estimates and the  
10 methodology have been reviewed by the SCRS twice and  
11 have been agreed upon by the SCRS as the best method  
12 to go forward with.

13 I didn't realize it until after it  
14 was done, but this year the estimates were -- for  
15 white marlin were applied backwards and submitted to  
16 ICCAT as a replacement for the prior estimates.  
17 That's where the problem comes in. And as John  
18 said, you're comparing apples to oranges. The catch  
19 history now would allow a higher catch. That's -- I  
20 don't know -- that's something that's got to be  
21 addressed either through setting a compliance rate  
22 that's associated with what the estimates were  
23 really based on initially, or by changing the  
24 criterion in ICCAT.

1                   The last thing -- I've heard talk --  
2       quite a bit of talk about using census techniques to  
3       estimate HMS catches, and I'm fairly familiar with  
4       part of the recreational fishery in Florida and I  
5       don't really see how that's possible. There are too  
6       many medium-sized -- well, I live on a little lake  
7       on Choctawhatchee Bay. There are about 12 docks  
8       there, and six of those 12 have offshore vessels,  
9       and in the summer they go off every weekend, usually  
10      twice. I don't know how you would pick those up in  
11      a -- that kind of vessel exists all over Florida and  
12      I don't know how you would pick that up in a census  
13      because they don't come back to a place where you  
14      could -- where they'd be subject to being even seen.

15      I guess that's all. Thanks.

16                   MODERATOR CHRISTOPHER ROGERS: Thank  
17      you, Phil. Bob, sorry about the mike over in that  
18      direction.

19                   ROBERT PRIDE: Yeah, we just can't  
20      figure out how in the heck you managed to turn it  
21      off from way up there. First a comment for the  
22      Council and then I'll get into some specific  
23      recreational issues. The Council would like to have  
24      better participation and catch numbers for

1 recreational fisheries. There's no question about  
2 it. When we talk about sea bass and flounder, you  
3 know, it's a nightmare to try to go through this  
4 process without better data.

5 We've talked about licensing and it  
6 seems like it's an appropriate solution, but we've  
7 concluded that it probably needs to go -- be  
8 relegated back to the state level.

9 However, there's some implementation  
10 problems even when you go to the state level, and  
11 those include things like youngsters and seniors  
12 being excluded from the licensing process, you know,  
13 under 16, over 65. Most -- many plans include --  
14 licensing plans include blanket license for charter  
15 boats, even private boats. In Virginia, for  
16 example, I can buy a \$30 permit and take 5,000  
17 people fishing on my private boat, and none of them  
18 would ever get counted.

19 The other thing that you run into is  
20 blanket licenses for charter boats. Obviously you  
21 don't want every tourist to have to buy a fishing  
22 license to fish on your boat.

23 So, you know, I don't know that  
24 that's the answer, and I've given a lot to this, and

1 I'll discuss it in a few minutes. But I'm going to  
2 take off my Council hat now, I want to make that  
3 clear, and speak as a general AP advisor.

4 First of all, a number of people have  
5 alluded to a credibility issue with the Service.  
6 Now, I know all you people up there and the people  
7 that I deal with are genuinely concerned about doing  
8 a good job and doing things right. But we've kind  
9 of gotten off track and we've lost recreational  
10 trust up and down the coast. The 250 fish this is  
11 just one example of many things that have happened.

12 I mean, we've got a recreational  
13 bureau that used to exist that probably had the  
14 longest standing unfilled positions in the history  
15 of the Service. That's since been disbanded, at  
16 least as a bureau. We've -- you know, and in the  
17 years it did exist, I think the biggest claim to  
18 fame was probably the fact that they put on a rec  
19 fish conference, and little else happened.

20 So, people don't see much presence  
21 from National Marine Fisheries when we talk about  
22 recreational fisheries except the survey process.  
23 And not so much the survey process itself as the  
24 results of the survey process. And those results

1 haven't been so bad in recent years. The  
2 credibility issues have grown and grown and grown,  
3 where we don't have any outreach to compensate for  
4 it from the Service.

5 So, I think it's very important that  
6 the Service look at its next budgeting cycle and  
7 decide how it can staff those outreach positions or  
8 get people, you know, to take responsibility for  
9 outreach. Because until we have good outreach or  
10 good understanding of the processes, you know,  
11 getting compliance with permitting requirements and  
12 other things is very difficult.

13 Let's talk about permit requirements  
14 first. Let's assume we have the outreach and 99.9  
15 percent of people that are required to have a permit  
16 do have one. When they get that permit, why don't  
17 we tell them what they have to report? Why don't we  
18 put the 800 number on the permit and tell them that  
19 as part of the permitting process, they have to sign  
20 this agreement that they're going to report and mail  
21 it back to the Service. And when they get back to  
22 the Service, I don't care if you throw them all away  
23 or just -- you know, hang onto them in case you have  
24 an enforcement issue. But there should be some way

1 for people to have to validate their permit by  
2 committing to call-in or whatever, so, you know,  
3 they can't deny that they're not aware of the rules.  
4 Okay? That's number one.

5 The second thing that we could do, we  
6 could take NMFS and throw it in the trash can as far  
7 as offshore surveys go by taking those permitted  
8 vessels and having them on a selected basis submit  
9 logbooks or trip reports, whatever you want to call  
10 them. And we wouldn't have to have a hundred  
11 percent. There's a statistical number somewhere  
12 between zero and a hundred percent that would give  
13 you what you need to estimate catches on a coastwide  
14 basis, on a state-by-state basis, maybe on a dock by  
15 dock basis if you wanted to get real fancy with it.

16 So, I don't -- you know, I don't see  
17 any reason that we can't change the whole system for  
18 HMS reporting to work around that permit  
19 requirement. And I think we should work in that  
20 direction quickly and I think we ought to try to get  
21 ACCSP to work that way for the inshore reporting,  
22 too, and just completely replace MRFSS.

23 I just -- I really feel like that  
24 what Bob Zales said is the right -- is the right

1        thing at this point. We need to find a different  
2        way to do things. The way we've been doing them  
3        just doesn't work very well. And it's horribly  
4        expensive.

5                        UNIDENTIFIED: Can I interrupt for  
6        one --

7                        ROBERT PRIDE: Sure.

8                        UNIDENTIFIED: -- ask you one  
9        question. When you say require offshore vessels,  
10       can you define offshore vessels? I mean, do you  
11       mean the for-hire vessels or private individuals  
12       with vessels capable of doing that? And that's one  
13       of the problems we have is --

14                       ROBERT PRIDE: I'm talking about  
15       vessels that have an HMS permit. I could go on for  
16       a long time, but we want to leave here by 6:00, so  
17       I'm going to be quiet now and turn it back over to  
18       the next person.

19                       MODERATOR CHRISTOPHER ROGERS: Okay.  
20       Well, just on timing issues, I propose that we'll  
21       continue going around the table on recreational data  
22       issues until 5:30 and then pick up the spotter plane  
23       discussion until 6:00. Is that acceptable? No?

24                       (Inaudible comments.)

1                   MODERATOR CHRISTOPHER ROGERS: Well,  
2 we will have another opportunity on the agenda to  
3 revisit the data collection monitoring, reporting,  
4 recordkeeping, logbooks, the whole gamut. Okay.  
5 Ken Hinman.

6                   KEN HINMAN: Yeah, along those lines,  
7 I won't really add anything to the 250 marlin issue  
8 other than to second pretty much everything that's  
9 been said by other people in the recreational  
10 community.

11                   I just want to add something from a -  
12 - as an environmental representative on the Billfish  
13 Panel, that bad data doesn't just make bad  
14 management and doesn't just screw fishermen, but it  
15 really makes bad conservation. And that's my big  
16 fear with the billfish issue and with the yellowfin  
17 issue, as well, is that if we allow ourselves to be  
18 put in a position because we've underestimated our  
19 recent catches -- and that's really what we were  
20 talking about with the marlin, recent catches had no  
21 biological significance to that number -- we allow  
22 ourselves to be on a defensive at ICCAT when we've  
23 been the most conservation oriented on billfish in  
24 the Atlantic and we have to go there and be



1 aggressive on the offensive to get other countries  
2 to do what they need to do in order to bring --  
3 rebuild those stocks, you know, it would be a  
4 travesty that if it were bad data that put us in  
5 that position of having to defend an artificial  
6 limit and the fact that we might have gone over it,  
7 when we should be on the offensive.

8 And I think with yellowfin tuna -- I  
9 was on the ICCAT Advisory Committee 12 years ago  
10 when this was identified as a problem, the soft data  
11 on the fishery, this is something that both the  
12 recreational and commercial sectors in terms of  
13 numbers of HMS fish -- they catch more of these than  
14 anything else. And they're not overfished right  
15 now, according to ICCAT, but if there's any  
16 yellowfin quotas constrained on that fishery  
17 internationally that's going to come at ICCAT, it's  
18 going to come from the U.S. And if the U.S. is in a  
19 position of not being willing to do that because we  
20 don't believe in our own data, then we'll screw our  
21 own fishermen. That's going to make bad  
22 conservation.

23 So, it's not just the imposition of  
24 unfair regulations on fishermen, but also is really

1       could be inhibiting good conservation. We have to  
2       really make the data collection a priority for that  
3       reason.

4                   MODERATOR CHRISTOPHER ROGERS: Thank  
5       you, Ken. Ramon. Okay. Willie.

6                   WILLIAM ETHERIDGE: The first thing I  
7       got to make real clear in this room, North Carolina  
8       does not have a saltwater fishing license. So,  
9       Doctor Hogarth said that maybe that would be the way  
10      to get the better data. North Carolina shows  
11      records of catching recreationally just about every  
12      year of somewhere between 40 and 60 percent of the  
13      yellowfin tuna. I would like to think that I might  
14      be part of the reason for that, because when I first  
15      started coming to these ICCAT meetings, I realized  
16      that when ICCAT started managing yellowfin tuna and  
17      they told the United States how many they could  
18      catch, the recreational community was going to come  
19      up lacking.

20                   I was a little bit selfish because I  
21      knew where they would go to get their fish. But I  
22      went back and I talked to all my charter boat  
23      friends -- and I have a lot of them, I grew up doing  
24      that. And somehow the North Carolina commercial and

1 recreational industry interested the State of North  
2 Carolina enough that we got serious about it.

3 And what I would say to the  
4 recreational people in here, you need to go back  
5 into your states -- it almost makes me sick to my  
6 stomach that I got to defend HMS, but there just  
7 absolutely totally ain't no way in the world that  
8 these people can take care -- I think there's seven  
9 million people that recreational fish in the oceans  
10 in the United States, and there's about 60 or 70  
11 shark boats left fishing and they can't even keep up  
12 with the sharks. So, you know, you people from the  
13 recreational community got to go back and get your  
14 states involved.

15 And I really don't want to take up a  
16 whole lot of time, but there's two things I want to  
17 bring up. I own a boat that shark fishes and he  
18 made 14 trips -- I believe I'm right. I don't want  
19 to get prosecuted if I'm off there one or two -- in  
20 the month of January. And each trip he had to fill  
21 out a log on how many sharks he caught, how many  
22 hooks he set, and he did that. And we were also  
23 chosen to send in our financial records. And  
24 there's just absolutely no way that we can do that.

1       The guy that runs the boat -- he spent two nights  
2       since December the 30th with his family, and he just  
3       -- he's just a real hard-working man and he goes  
4       around the clock. He catches his limit, he comes to  
5       the dock and unloads them and turns around and goes  
6       right back out.

7               But I got a letter about three or  
8       four days before I came up here from -- it was out  
9       of Miami, I can't -- I'm having a little bit of time  
10      getting it all together. But it said that there was  
11      no way we could fill out the financial records  
12      because we hadn't settled the boat up. But it said  
13      that if I didn't get these records in, that I was  
14      going to lose my permit or I'd lose my right to  
15      renew my permit next year.

16             And if you want to get the data from  
17      the recreational fishing community, all you have to  
18      do is put the same pressures on them that you've put  
19      on the commercial community.

20             Now, I know that the HMS staff just  
21      absolutely totally could not keep up with that. And  
22      you people ought to be able to realize that. You  
23      know, I hear you all getting upset about the 250  
24      billfish. I hear you getting upset about the tuna.

1       You guys ought to just -- if there was just some  
2       way we could trade places a little bit and you could  
3       see much they've -- what they've done to us, I think  
4       you'd look at it a little bit differently.

5               And I think there's a country music  
6       song that says thank God for unanswered prayers.  
7       Rom told you people, North Carolina has these good  
8       records. We didn't have a bluefin tuna fishery  
9       because we had good records. And that's what's  
10      going to happen when -- hey look, when they really  
11      find out how many people -- how many fish is caught  
12      by the recreational community, it's going to scare  
13      people. But it does need to come out. Thank you.

14             MODERATOR CHRISTOPHER ROGERS: Thank  
15      you, Willie. Jim Donofrio, welcome. We didn't get  
16      a chance to introduce you.

17             JAMES DONOFRIO: Thank you. Thank  
18      you, Chris. Listen, I appreciate everything you've  
19      done with our tuna committee, also, and the work.  
20      And one of the things I wanted to ask you today,  
21      respectfully, to go over those -- you know, those  
22      new numbers, that new methodology, and possibly go  
23      back to ICCAT and put the old numbers in and then  
24      start off fresh.

1                   We don't mind doing a new  
2 methodology, but as you know, when you met with all  
3 these numbers, Joe and all the charter boat groups  
4 and the other groups up and down the coast, as we  
5 meet every year -- Rebecca started this about five,  
6 six years ago with us -- these guys want to  
7 cooperate. And you know that we try to stay real  
8 tight with the WAVE's. You know, they call up all  
9 the time, are we close, are we close, shut us down  
10 when we're close because we don't want to go over;  
11 right? They're assuming for two years now they've  
12 been complying. And all of a sudden there's new  
13 numbers put into ICCAT telling us that we're 250  
14 metric tons over.

15                   So, that -- you know, that's  
16 something we -- we don't mind. You want to do a new  
17 methodology, great. And we're going to talk about  
18 some of the ways to maybe improve getting those  
19 numbers. And North Carolina's got it right.  
20 Maryland, as I understand, has got it right, also.  
21 We got to get the states real-time data.

22                   Now, Rebecca recalls a meeting -- and  
23 I don't know if you were there, Jack -- '96 when ASA  
24 and RFA sponsored a New Orleans meeting, when we had

1 all those -- the best and the brightest from data  
2 collection around the country, guys that do salmon,  
3 guys that do fish and game, deer, ducks, whatever.  
4 They all came there and said how can we make this  
5 happen?

6 We had so many great ideas. One of  
7 them was like a pilot program, for instance. You  
8 were talking about like -- Doctor Goodyear was  
9 talking about there's people who have boats behind  
10 their houses. Well, most of these boats go to some  
11 marina somewhere to get their fuel or ice or  
12 whatever. Okay? Instead of having Quantech, you do  
13 a couple of pilot program where you have like Joe  
14 Collabell up there at Hopkins Anchorage in Brielle,  
15 and a couple other places, down the coast, and you  
16 pay them \$2.00 a boat -- \$2.00 a boat, an incentive,  
17 because they're in the industry, it's in their best  
18 interest to give you good data, plus you're giving  
19 them some financial -- you know, incentive to get  
20 the data. They go -- the boats come in, they fuel  
21 up, they ice up, Joe will jump on board and say  
22 here, fill out this survey, how many did you catch,  
23 let me see. You'll start to get some real-time  
24 data.

1 I disagree with Doctor Hogarth when  
2 he says a saltwater license is good, because all a  
3 saltwater license is going to do is just give you  
4 number of anglers, which is going to be assumed  
5 effort.

6 I can tell you most of the people  
7 don't fish most of the time. They have a lot of  
8 boats. But if we're going to have that as far as  
9 effort, that's wrong. That's not effort.

10 So, you know, we want to work with  
11 you, we want things to happen, but we've got to  
12 start putting some of those pilot programs.  
13 Rebecca, it's been way too long since we talked  
14 about that in New Orleans. And you know, Willie's  
15 right, Rom is right, everybody that said the states  
16 that are getting the real-time data, they're  
17 probably getting more accurate numbers. That's all  
18 it comes down to, just -- you know, tweak that up,  
19 get some more interceptions from the boats.

20 And the best guys to do it are the  
21 marina owners. You've got one right here. You've  
22 got Rick Weber. He's got a lot of boats coming in  
23 doing different HMS, not just marlin. He's got a  
24 ton of boats going yellowfin and bluefin fishing.



1 And Mark Sampson down there in Ocean City. He could  
2 hook you up. You know, I mean we can make this  
3 thing happen here. This is what we've got to do.

4 One of the other things is you talk  
5 about why people are not calling in. It's based on  
6 just what's happening right now with the marlin  
7 numbers, with the 250 metric tons over -- changing  
8 the methodology, Chris. It's a distrust factor,  
9 believe me.

10 Now, you saw our newsletter. You  
11 know, Russ Nelson's talking about -- you know,  
12 everybody puts it out there. Billfish Foundation,  
13 CCA. We give you guys a full page with the 800  
14 number; right? You know what our members tell us?  
15 We're not calling these guys. Because they hear  
16 what's happening.

17 We want them to call, but they're not  
18 going to. It's a distrust. You know, if we keep  
19 putting different numbers after you're telling these  
20 guys they've complied, they're not going to do  
21 anything. They're not going to buy permits, all  
22 right?

23 One of the other things is I think  
24 this HMS permit, as long as it goes in the general

1 fund, you're going to get people not complying. If  
2 we can find a couple of legislators that could make  
3 that into a dedicated fund, I guess you would see  
4 everybody buy it. You know, if the money went into  
5 research for billfish, for both -- you know, our  
6 commercial and -- you know, recreational industries  
7 for HMS species, for everything.

8 If it benefitted our fishermen in the  
9 United States and we get a couple legislators to  
10 sponsor that, you'll see these guys buy permits  
11 because that's what they always say. That's their  
12 biggest beef with a saltwater license. They just  
13 shot one down in New Jersey. Governor wanted one,  
14 wasn't going to go in a dedicated fund, adios. I  
15 mean, that's it. They see it as a tax. They pay  
16 taxes for this through their income tax. It comes  
17 out through the general fund. They don't want to be  
18 taxed anymore. They're taxed enough.

19 You know, most people are in that 30,  
20 35 percent range. Some are lucky to be higher.  
21 They feel they pay enough. They're living paycheck  
22 to paycheck. You put this money into a dedicated  
23 fund, you'll see compliance. You'll see people  
24 buying these permits. And you know, I know you

1 can't do that, but if we get some agreement here  
2 with this panel that that's the way we want to go,  
3 then maybe some of us can go on the Hill and talk to  
4 some of the legislators and get this money and we'll  
5 all benefit from it. But to throw it into the  
6 general fund is a waste.

7 I agree with Mike Leech's comments,  
8 everything he said, and also with Ellen. I'd like  
9 to see these numbers changed on the marlin. I want  
10 to go on the record again that the RFA was always  
11 opposed to the 250 fish, and for any kind of hard  
12 cap on billfish because we're already at 98 percent  
13 catch and release. And when we left for Morocco, I  
14 was opposed to it then. We're opposed to it now.  
15 We need to fix the system now before we put some of  
16 our communities out of business altogether. Thank  
17 you.

18 MODERATOR CHRISTOPHER ROGERS: Thank  
19 you, Jim. Maybe time for one more comment on this  
20 issue before we move on to the spotter plane  
21 discussion. And again, we will come back to this  
22 later on in the agenda.

23 RICHARD RUAIS: Okay. Thank you,  
24 Chris. I'll be quicker, knowing that we can come

1 back to it. And I think we're only going to need,  
2 by the way, about ten minutes for the spotter plane  
3 issue, I hope.

4 I did want to say I certainly -- Bill  
5 left now, but we certainly appreciated his  
6 commitment to fix this. I think it's easy for a lot  
7 of us to share his pain over this issue from his  
8 days as chief of HMS to the current experience over  
9 the last few years. And I appreciated your  
10 comprehensive presentation on where we're at right  
11 now.

12 I got a lot out of it. It seems as  
13 though, though, what you described leading up to the  
14 15th of March is basically that there's an internal  
15 review that's ongoing right now. I didn't hear a  
16 lot of invitation for constituent groups to  
17 participate in that process. And that's fine if  
18 that's where you're at right now.

19 I would ask that by the time -- for  
20 the March 15th meeting -- that the report be  
21 distributed well in advance so that we can have a  
22 detailed look at it and not have to try to comment  
23 on it quickly on the spot.

24 And I think it's only fair to let you

1 know that if it's -- if we still have concerns about  
2 it and are not entirely on board, there's an awful  
3 lot of discretionary issues here that are being  
4 made, that -- and since we're talking 150 tons or  
5 more, maybe 200 tons or more, that the U.S. has lost  
6 in terms of which methodology to use, I think that  
7 there's going to be a fair amount of support,  
8 coalition, cooperation, between both commercial and  
9 recreational groups to even consider working with  
10 the agency to sponsor an independent review on that,  
11 because quota is so limited here in the United  
12 States.

13 Specifically, I did want to ask if  
14 you -- the July 15th -- what was submitted on July  
15 15th of this past year, that task one data? Did you  
16 say that decisions are made depending upon whether  
17 the data is coming from North Carolina or Maryland  
18 or the phone survey, that someone's actually making  
19 a decision to choose between the sources of data and  
20 combining when they don't feel that the data is  
21 good, or they feel the data is good? Is there  
22 actually a discretionary process that's going on  
23 leading up to task one? Or is it simply the phone -  
24 - the survey that works, no matter what?

1                   MODERATOR CHRISTOPHER ROGERS: No,  
2                   when you have the ability to generate estimates from  
3                   various sources, whether one is designed to be a  
4                   census or one is obviously a survey derived  
5                   estimate, you have to make a choice. The choices  
6                   have been made traditionally between MRFSS versus  
7                   the LPS in those states where they overlap, and in  
8                   the cases where we have the landings tags and catch  
9                   card system, it doesn't overlap with the LPS in  
10                  North Carolina, but it could overlap with MRFSS.  
11                  They do a MRFSS sampling in North Carolina -- MRFSS  
12                  style survey, dockside. It's conducted by the state  
13                  personnel there. It is an LPS-style survey by the  
14                  contractor Quantech in Maryland.

15                  So, again, you need to look at the  
16                  two pieces of information and decide which one seems  
17                  more credible, recognizing that pretty much by  
18                  definition there will be differences, and it is a  
19                  process of discerning which one would be the better  
20                  to use. Likewise, as was explained for the RBS  
21                  versus LPS and MRFSS samples, to try to substitute  
22                  one for the other sometimes -- I know in the paper  
23                  on yellowfin tuna estimates, the revised catch  
24                  history submitted to SCRS, it was an SCRS paper, I

1 believe, in -- was it '98? Yes, I believe it was  
2 submitted in '98.

3 The decision process, given the  
4 concern that yellowfin tuna was being systematically  
5 undercounted, was to make the decision for the  
6 higher estimate in each one of these dichotomous  
7 choices, and then present that as the most  
8 conservative treatment of revising yellowfin tuna  
9 catch statistics.

10 So, it can be done either way. We  
11 certainly don't want to be additive, when you know  
12 there's a duplication. But it can be done either  
13 way. And the report will highlight the discernment  
14 and the choices that were made.

15 RICHARD RUAIS: Okay. If I could be  
16 specific. I don't know if Louis Daniels is still  
17 here, but he mentioned that in some cases the survey  
18 data has been as high as 65 percent higher than the  
19 census that the State of North Carolina conducts.

20 In a case like that, what has been --  
21 and I know Maryland does the same thing -- what has  
22 been the past practice? Have you sort of used the  
23 state census as opposed to the survey information?  
24 Or have you split the difference between the two? I

1 mean who's making these decisions and what are they?

2 MODERATOR CHRISTOPHER ROGERS: Well,  
3 the staff at the Southeast Fisheries Science Center  
4 has the lead in preparing the catch estimates for  
5 transmission to ICCAT. Gerry Scott, as the lead  
6 scientist to SCRS for -- or chief scientist for the  
7 U.S. to SCRS, has the responsibility for developing  
8 the catch estimates.

9 There have been situations --  
10 Maryland, for an example, where we've had it both  
11 ways, where the LPS derived estimate was higher or  
12 lower than the census provided by the state through  
13 the landing card system.

14 The typical decision is to go with  
15 the higher estimate. But I'm not familiar with the  
16 choices made in each particular year. I can't  
17 guarantee that that was always the case. And again,  
18 the report, which I am quite hopeful will address  
19 both 2002 and 2003 for the March 15th ICCAT Advisory  
20 Committee meeting, will highlight the choices that  
21 were made, where you do have a choice set, so to  
22 speak, in looking at the various estimates and  
23 sources of information.

24 RICHARD RUAIS: Okay. Well, I'd just



1 say, if I was a state director, I'd be -- and I was  
2 committing my state and spending state resources and  
3 had a fair level of confidence in the estimates, I'd  
4 be disappointed, to say the least, if after making  
5 that commitment of resources that the agency would  
6 actually select the higher of the two. But we'll  
7 leave that to be worked out. We'll take a closer  
8 look at it on the 15th.

9 The other point I wanted to make to  
10 Russ Dunn's request for aid, and we heard a lot  
11 about -- you know, the reason why the call-in isn't  
12 working is that a lot of people don't know about it.

13 In the commercial fisheries, when there is a  
14 federal restriction, there's not a lot of sympathy  
15 to a commercial fishermen if a state -- if a federal  
16 agent comes up to him and notifies him he's busting  
17 him for breaking a regulation by the commercial  
18 fisherman saying I didn't know about it. And  
19 there's even less sympathy to that plight if you get  
20 to NOAA General Counsel's level.

21 I think the answer is -- and I think  
22 Bill recognized it and made the comment, is you need  
23 to have a few violations and you need to have a few  
24 busts, and it shouldn't be -- depending upon how the

1 regulation is actually written, it shouldn't be that  
2 hard to orchestrate. And if it were to happen, I  
3 think you can almost guarantee yourself an  
4 incredible amount of free advertisement that's going  
5 to notify -- depending upon the number of times and  
6 the severity of the violations, if there's flagrant  
7 repeat violations in particular, you're going to get  
8 that word out. That word is going to get out even  
9 to that weekend boater that only puts his boat in on  
10 the weekends. Thank you.

11 \*RUSSELL DUNN: Just on that. I  
12 couldn't agree more. We know that the State of  
13 Florida popped a couple of guys -- one or two guys  
14 and within the next couple of days we had 53  
15 swordfish reported, and our total for this year is  
16 104. So, that's absolutely right.

17 MODERATOR CHRISTOPHER ROGERS: Okay.  
18 Rich said that we would only need ten or 15  
19 minutes, so let's go on for another ten minutes or  
20 so with the recreational data issues. Ray Kane.  
21 Pass. Henry Ansley.

22 HENRY ANSLEY: I'm just glad to hear  
23 that you all are working with ACCSP. I'd encourage  
24 you\* to go on with that. And I like the idea of the

1 tag. I think states would be -- surprise you as far  
2 as participating. We will participate, even though  
3 we don't catch any. We'd gladly participate.

4 But otherwise, I can't comment any  
5 more. I think they've all been -- been a lot of  
6 good advice and I can't add to it.

7 MODERATOR CHRISTOPHER ROGERS: Gail  
8 Johnson.

9 GAIL JOHNSON: Thanks, Chris, I  
10 appreciate your candor in talking about all this  
11 stuff. One reason the data is so crucial for all  
12 the fishermen, and I'm surprised that our  
13 environmental colleagues haven't mentioned it, is to  
14 capture all mortalities. Landings is only one part  
15 of the whole thing, and we're here under some ESA  
16 scrutiny. And I haven't heard us talk about the  
17 mortalities.

18 Obviously the first thing is the  
19 quotas that's on everybody's mind here, but we've  
20 got bigger issues than that. And we had some number  
21 crunching done, and Nelson's got some information  
22 that I think is kind of interesting, and I'd like to  
23 hear more talk about that. Thanks.

24 MODERATOR CHRISTOPHER ROGERS: Thank

1       you, Gail. Nelson.

2                   NELSON BEIDEMAN: First, a couple of  
3       questions, Chris. On the 2000 and 2001, there's  
4       zero for small ABT. I thought LPS was designed for  
5       bluefin tuna primarily. Is there a short answer for  
6       the reasons for the zero? That's way back to  
7       2000/2001, zero for small ABT.

8                   MODERATOR CHRISTOPHER ROGERS: By  
9       small, do you mean the young school? In the popular  
10      treatment of the size classes, we have young school,  
11      which would be below the 66 centimeters. That's  
12      privated. Occasionally the survey does pick up some  
13      folks who have landed a fish below the minimum size  
14      limit, and it is counted and we can make the  
15      extrapolation.

16                  NELSON BEIDEMAN: Okay. That's --

17                  MODERATOR CHRISTOPHER ROGERS: But  
18      for the most part, this survey is not designed as an  
19      enforcement tool, and we don't typically use that as  
20      such. But we do report it.

21                  NELSON BEIDEMAN: So, the short  
22      answer is that's undersize. Okay. The review for  
23      the 2002 and the 2003, that's to be all the species  
24      collected by the LPS?

1 MODERATOR CHRISTOPHER ROGERS: As  
2 bluefin tuna -- the current charge of the committee.

3 NELSON BEIDEMAN: Just bluefin tuna.

4 MODERATOR CHRISTOPHER ROGERS: Uh-  
5 huh, but the committee's also looking at the marlin  
6 estimates, as well. Just bluefin tuna and the  
7 marlin.

8 NELSON BEIDEMAN: So, these numbers  
9 as they've been dramatically revised, because this  
10 is really dramatic revisions, you know, to these LPS  
11 numbers, they stand?

12 MODERATOR CHRISTOPHER ROGERS: Which  
13 table are you looking at?

14 NELSON BEIDEMAN: What I'm looking at  
15 is, as you know, each year Blue Water takes the LPS  
16 numbers and we do a simple expansion, basically the  
17 dockside intercepts, we use as observed, and divide  
18 the intercepts by the estimated number of trips.  
19 Both those numbers come directly from National  
20 Marine Fisheries Service. That gives you -- you  
21 know, an expansion factor and then if you apply that  
22 expansion factor to what was observed on the dock,  
23 you get what -- you know, an expansion of what is  
24 kept. If you apply it to what's reported on the

1 dock as released, you get an expansion of capture.

2 And through the years we've done this  
3 each year, and some years seem to make more sense  
4 than others. But for these two years, this is the  
5 most recent data, 2000/2001, we can't do 2002  
6 because it's incomplete and 2003 is incomplete.  
7 Some of these figures are -- you know, phenomenally  
8 low in our estimation.

9 For swordfish, the total that comes  
10 out is -- you know, 175 kept, 63 released. For what  
11 reasons, God knows. 238 total. I would think that  
12 everyone would think that was pretty low. Albacore  
13 tuna, you know, is only up to like 6,000. Blue  
14 sharks is only up to like 4800.

15 Some of these, it's like -- you know,  
16 is this a good holiday weekend? Because -- you  
17 know, you've got 19,000 trips for 2000 and 17,500  
18 for 2001. And we see -- we see -- you know, just  
19 about that many going by our house to go out  
20 Barnegat Inlet at times. You know, these are --  
21 seem to be very low.

22 One of my questions is, is what is  
23 the short answer on how the estimate of number of  
24 trips is done?

1                   MODERATOR CHRISTOPHER ROGERS: It's a  
2 stratified telephone service. We're splitting up  
3 the permit list by state and by mode, mode meaning  
4 whether it's a charter boat, headboat or a private  
5 recreational angler. Then on random calls to those  
6 people on the list, you estimate for that week or  
7 two-week period, depending on the survey design, the  
8 average effort rate for that stratum. Then you  
9 multiply through by the number of potential vessels  
10 that you could have interviewed. In other words,  
11 you get an average effort rate of one trip per week,  
12 and you had a hundred vessels on that pool for that  
13 state and mode, then you would estimate a hundred  
14 trips taken.

15                  NELSON BEIDEMAN: So, it's completely  
16 done by phone survey?

17                  MODERATOR CHRISTOPHER ROGERS: For  
18 the effort, yes. Although there is the factor that  
19 comes into play with, as I mentioned before, the out  
20 of state effort. In other words, when you're doing  
21 the telephone calls, you're targeting folks that you  
22 presume to be fishing within that state, recognizing  
23 that they be fishing out of state, you can do some  
24 extrapolations or some expansion factors for out of

1 state. Or for non-permitted effort, for that  
2 matter. If you do encounter boats that clearly were  
3 large pelagic fishing, maybe you even landed tunas  
4 but did not have a permit, and therefore are not  
5 represented on the call list. You'd want to expand  
6 for that, as well. So, there are several expansion  
7 factors that come into play.

8 NELSON BEIDEMAN: Well, we would --  
9 you know, we would think that that is somewhere that  
10 -- you know, needs a much closer look. Because you  
11 know, in particular that glares out at us as the  
12 estimated number of trips.

13 And then when it comes to -- you  
14 know, the dockside intercepts. You know, we think  
15 one of the large problems is private docks and  
16 marinas. The reason we think that is because we see  
17 the surveys taking place at the boat ramp across the  
18 street all the time. But it's not the boat ramp  
19 across the street that's producing highly migratory  
20 species. The real experienced guys and whatnot are  
21 at -- you know, the private docks and marinas, at  
22 least in our area. You know, I would think that  
23 that's where the higher numbers would be found. We  
24 worry tremendously about what's getting reported or



1 not reported to ICCAT. You know, we try to hold  
2 everybody's feet to the fire. We need to hold ours.

3 I would think that there is no  
4 greater problem in the HMS fisheries and has been no  
5 greater problem in the HMS fisheries than  
6 recreational permitting, reporting and monitoring.  
7 And it just goes on for years and years.

8 I was really thrilled to hear Bill's  
9 speech, you know, that something is going to be  
10 done, because we're getting the feeling that the  
11 National Marine Fisheries Service may not want  
12 accurate numbers. Because if they ever do get  
13 accurate numbers, maybe it's just too daunting of --  
14 you know, a job, a task -- perception, at least,  
15 that you don't know what you're going to do if you  
16 ever really get numbers and have to manage the  
17 recreational fishery.

18 So, I hope that -- you know, our  
19 perception on that is completely wrong. We suggest  
20 that -- you know, it be the highest priority to  
21 implement the logbooks, implement the private  
22 charter and headboat -- you know, the observer  
23 coverage that was passed by this body in 1999 --  
24 1999. You know?

1                   Now, I know that the end result of  
2 all of our discussions over the next three days will  
3 probably end up -- you know what the real solution  
4 is? The real solution is more observers, more  
5 reporting on the pelagic longline fishery. I know  
6 it will come around to that somehow. You know? I  
7 know it will.

8                   But just at least for five minutes,  
9 think about what is the largest problem in these HMS  
10 fisheries, and year after year, you know, you go  
11 around the table -- even today, some said it's high,  
12 some said it's low. When it's a bycatch discussion,  
13 oh, it's high. When it's a quota discussion, oh,  
14 it's low. We got to get some numbers. I mean this  
15 is -- you know, it's getting to the point that --  
16 you know, we're starting to think are there any  
17 alternatives to coming to these meetings year after  
18 year and just talking about it. Thank you.

19                  MODERATOR CHRISTOPHER ROGERS: Okay.

20                 Thank you, Nelson. I don't think that we'll give  
21 everybody the five minutes to think about it right  
22 now. We're going to have to switch gears and come  
23 onto spotter planes for a few moments before we  
24 break at 6 o'clock. And I apologize to folks over

1 here we didn't get to, and I'm sure there's several  
2 others who took a pass the first round and want to  
3 get back to it. So, take a deep breath and then  
4 we'll entertain a brief discussion on spotter  
5 planes.

---

6  
7 SPOTTER PLANES

8 MODERATOR CHRISTOPHER ROGERS: Just  
9 from the agency's perspective, I'll bring you up to  
10 speed. If you haven't been following this issue  
11 closely, it's been an ongoing concern in the bluefin  
12 tuna fisheries for a number of years. The agency  
13 has had several attempts at addressing the issues  
14 through rulemaking.

15 We actually did get to a Final Rule  
16 at one point in time, and there was a lawsuit that  
17 was filed by the Spotter Pilots Association. The  
18 court determined that the agency did not do a proper  
19 rulemaking in that regard, and consistent with the  
20 Magnuson Act. And therefore ordered us to rescind  
21 the regulations. We did so.

22 Congress did step in at one point and  
23 preclude the agency from using appropriated funds to  
24 issue permits to vessels using spotter planes in

1 certain categories. We actually had to litigate  
2 that issue, as well. Everything turns on a phrase.

3 In this case, it turned on a word, the use of the  
4 word hereinafter. Whether Congress intended that  
5 Appropriations restriction to exist in perpetuity or  
6 only for that year's Appropriations bill.

7 We ended up in an appeal situation,  
8 and the appeals court decided that if Congress  
9 wanted the spotter plane prohibition to exist in  
10 perpetuity, that Congress needed to be a little bit  
11 more clear in so doing.

12 So, at that point -- I shouldn't say  
13 at that point, because there were initiatives on the  
14 part of industry before that point in time, but that  
15 revived industry interest in coming to a private  
16 sector agreement. We understand that the industry  
17 did come up with a private sector agreement last  
18 year and implemented that, and has an interest in  
19 continuing that, at least for the time being.

20 I just want to emphasize that that  
21 was solely a private industry initiative and a  
22 private industry agreement. It didn't have any  
23 basis in regulation, and therefore was not  
24 enforceable by NMFS. So, it was important for those

1 who were affected by it, that it had some level of  
2 voluntary compliance.

3 So, I know that the General Category  
4 Tuna Association had put out some literature on the  
5 table. Hopefully everybody's had a chance to at  
6 least get it, if not look at it. And I'd invited  
7 comments on the subject.

8 We did have two slides that just  
9 outlined the private industry agreement. I would  
10 just quickly go through them, that there would be no  
11 spotter assistance in the general and charter/head  
12 boat categories. No spotter assistance in the  
13 harpoon category prior to July 1 each season.  
14 Spotter assistance would be allowed in the harpoon  
15 category only until 50 metric tons would be  
16 harvested from the harpoon quota, and that once that  
17 point was reached, there would be no further spotter  
18 plane assistance until after September 1st to assist  
19 in reaching the attainment of the quota at the end  
20 of the season.

21 Other features of the agreement,  
22 after September 1st there will be no spotter  
23 assistance for harpoon category vessels fishing in  
24 Cape Cod Bay. And that all parties to the agreement

1 -- again, this is a private sector agreement, not  
2 stimulated or endorsed by National Marine Fisheries  
3 Service, but that the parties to the agreement  
4 agreed to seek an increase in quota for the harpoon  
5 category to facilitate the operation of the fishery  
6 as both a plane use period and a no spotter plane  
7 use period of the fishery.

8 It was crucial with respect to  
9 marketing opportunities that the purse seine  
10 category not fish prior to July 28th. It was agreed  
11 to by the purse seiners, as we understand. And that  
12 there would be a formation of an oversight  
13 committee. Again, the oversight committee would be  
14 solely within the private sector, not with any NMFS  
15 participation.

16 An agreement that there would be no  
17 attempt to seek codification by NMFS of the  
18 agreement. And as I said, voluntary compliance.  
19 So, that hopefully correctly characterizes the  
20 salient features of the agreement and again I'll  
21 open it up for comment and discussion. Rich Ruais.

22 RICHARD RUAIS: I'll just add -- that  
23 was an excellent summary. I'll just add -- well,  
24 first with your assent, if Dave Linney could come up

1 to the table, being one of the principals on the pro  
2 plane side, and Ray Kane has the perspective of the  
3 General Category Tuna Association, and I have the  
4 perspective of the East Coast Tuna Association.  
5 That would be helpful.

6 This is not a new issue for the  
7 Advisory Panel. I think this issue has been  
8 reviewed at several meetings. The one that comes to  
9 mind is the one in Providence, Rhode Island, shortly  
10 after one moderated by Jack Dunnigan back probably  
11 in 1998. As Chris mentioned, it's clearly been a  
12 turbo-charged political issue. The only real  
13 winners over the whole period of time were lawyers  
14 that made a lot of money and the agency --

15 UNIDENTIFIED (No microphone):

16 (Inaudible.)

17 RICHARD RUAIS: Yes, and the agency,  
18 including NOAA General Counsel, has been stuck right  
19 in the middle. Last year, as Chris mentioned, this  
20 voluntary agreement came out. This would have been  
21 reviewed with the Advisory Panel last year, except  
22 that the agreement did not come about until May,  
23 shortly before the season started.

24 Chris is right in characterizing it

1       that there has been no request from either party yet  
2       to regulatory -- to codify this in terms of  
3       regulations, but ultimately that is the end goal,  
4       and there is -- there is a request for an increase  
5       in the harpoon category base quota from somewhere --  
6       from 54 tons basically up to a hundred metric tons.

7       We're fortunate that there's rollover now that  
8       brings it up to about 80 tons. And last year, when  
9       the agreement was made, there were requests for the  
10      agency to look favorably. If that quota were  
11      exhausted prior to the end of the season, to -- if  
12      available to make an additional 20 tons to make it  
13      up to a hundred tons, and that still exists -- that  
14      request to the agency, to look favorably upon that  
15      request is there.

16               The subject is still under  
17      negotiation, whether it should be 80 tons or a  
18      hundred tons, and I expect that that will be worked  
19      out prior to the request for the agency to try to  
20      codify this.

21               The other element, no purse seine  
22      category fishing prior to July 28th. The purse  
23      seine fleet had an exempted fishing permit -- two  
24      exempted fishing permits last year to start on July



1 15th. And they did volunteer -- voluntarily go  
2 along with this agreement to help the general and  
3 the harpoon category achieve that. They did that in  
4 light of the fact that they had a second  
5 experimental fishing permit that allowed them a  
6 tolerance of 25 percent for fish between 73 and 81  
7 inches, which we reviewed that issue with the AP  
8 last year in terms of coming from the perspective of  
9 most -- most of the category seeking a universal  
10 commercial minimum size limit.

11 Right now you have the general  
12 category, the angling/trophy category, which is not  
13 a commercial category but a giant category, and the  
14 longline/incidental category all have as their base  
15 minimum size 73 inches and above. There are no  
16 restrictions on the number of fish that can be  
17 landed. They can land their entire quota, and that  
18 the purse seine and the harpoon category don't  
19 currently have that flexibility and there is a  
20 desire to move in that direction.

21 MODERATOR CHRISTOPHER ROGERS: I  
22 think you're moving into another issue that we will  
23 have on the agenda, so --

24 RICHARD RUAIS: All right. Well, if

1       you'll allow --

2                   MODERATOR CHRISTOPHER ROGERS:    I  
3       know everything's related with bluefin tuna.

4                   RICHARD RUAIS:   It is.   It is.   So,  
5       but the purpose of raising this issue here is to ask  
6       the Advisory Panel to -- if you agree that this  
7       effort to make a voluntary compromise in the  
8       fishery, to settle a longstanding dispute, that we  
9       would appreciate your advice to NMFS, that that's a  
10      good thing to do, and that the agency ought to  
11      support it where they can on all of the critical  
12      elements of the agreement.   And Ray I know wants to  
13      speak to this, and Dave Linney, as well, if that's  
14      okay with you, Chris.

15                  MODERATOR CHRISTOPHER ROGERS:   Well,  
16      if it's okay with the Panel, we'll ask Rich to give  
17      up his seat so that Dave Linney can come up to the  
18      mike.   Dave, just for those who don't know you, you  
19      might introduce yourself and --

20                  DAVE LINNEY:   Dave Linney.

21                  MODERATOR CHRISTOPHER ROGERS:   --  
22      your interest in the fishery.

23                  DAVE LINNEY:   Dave Linney, third  
24      time.   Cape Neddick, Maine, fish in New England,

1 harpoon category. Thank you, Ray. I don't know  
2 what's left to say after Chris got through and Rich  
3 got through, but yes, one rule, one law, two  
4 lawsuits, one appeal, all in federal court, one  
5 mediation -- or two mediation attempts, I guess, and  
6 we finally got back to where we started, that planes  
7 could fly everywhere.

8 So, at that point we had made the  
9 lawyers more than rich enough, all sides, and we  
10 decided there was a more sane way to handle this, so  
11 we actually sat down, which smarter people told us  
12 to do many years before that. And some of this even  
13 thought that, but we couldn't convince everybody.

14 So, we sat down and came to a  
15 gentlemen's agreement between General Category Tuna  
16 Association, North Shore Tuna, the pilots and boats  
17 that do and don't use planes in the harpoon category  
18 and in the general category.

19 And this was a good thing, and an  
20 amazing thing, and we did it just before the season  
21 commenced last year. We went through last year,  
22 everything seemed to work well, and we are going to  
23 hopefully -- if everything falls into place -- do it  
24 again this year.

1 I'd just like to elaborate on the  
2 agreement a little bit. Chris gave a good rundown,  
3 but there were some nuances here that ought to come  
4 out. Agreed not to promote either side's effort in  
5 Congress or NMFS for the duration of the agreement.

6 Pilots will not fly, period, in the general  
7 category or the charter/head boat category, only in  
8 the harpoon category. This would not affect pilots  
9 flying for seine boats.

10 The pilots would not fly for the  
11 month of June, giving the boats in the harpoon  
12 category that do not want to compete with planes a  
13 whole month by themselves -- well, everybody can  
14 fish, but there'll be no planes assisting any boats.

15 Then, starting July 1st, until  
16 hopefully July 28th, the planes have a chance to go  
17 at it for not quite a month, but enough, four weeks,  
18 or until they catch 50 tons, i.e. if 50 tons -- if  
19 25 tons is caught by June 30th, then the planes  
20 would fly until 75 tons are caught, i.e. they can  
21 fly on 50 tons of quota. Then they will tie down.  
22 Anything is left after September 1st, there will be  
23 a mop-up period when planes can go up again.

24 Planes can't go into Cape Cod Bay,

1 which has been a traditional place people don't like  
2 them, it's very tight in there and probably not a  
3 good place to have them.

4 Let's see. It does require an  
5 increase in the base quota at some point when we go  
6 to rulemaking, which we hope we can go to, because  
7 God only knows this has been contentious, and to get  
8 it to this point is a major, major step and it is a  
9 good thing.

10 Purse seine category needs to hold  
11 off until the 28th of July to make this work, so the  
12 planes have their equal share without having to  
13 compete with purse seine tonnage. This would not  
14 include the White Dove, which we assume is going to  
15 be done research again this year. They would be  
16 able to land some fish, and along with that  
17 research, the same as they have been doing last  
18 year. And we're all for that, to see the research  
19 done on the tagging.

20 Oversight committee made up of people  
21 from both sides and hopefully, if we ever get this  
22 into rulemaking, people from NMFS, especially NMFS  
23 enforcement, so that we can get together and talk  
24 about things that may or may not be going right.

1 And it is a gentlemen's agreement. We expected last  
2 year that there would be some blockheaded people, as  
3 there are in every fishery, that would decide not to  
4 go along with it, and we were pleasantly surprised  
5 that virtually everybody with the exception of a day  
6 here and there, I didn't know, went along with it.  
7 And it really was amazing.

8 What we need to make it work and what  
9 we need from you people to help, either now or down  
10 the line, is 1, that our rollover from last year,  
11 our uncaught quota, is rolled over again from this  
12 year and it doesn't get stolen for somebody. That's  
13 very important. We would like you to encourage Bill  
14 not to steal it, and Chris. Thank you.

15 Secondly, that if we run out of quota  
16 before the end of the season, because we've had a  
17 better year than the last two, we had rollover the  
18 last two and that's made this work and we were very  
19 lucky to have it, I guess -- unlucky not to have  
20 fish around after the month of June -- that NMFS --  
21 that you people would encourage Bill if he has  
22 underutilized or reserve category to give something  
23 to the harpoon category to keep this going for  
24 everybody involved.

1                   If we came to that, the planes would  
2                   be tied down anyway, and -- or chances are they  
3                   would and it would give everybody an equal shot at  
4                   50 tons.

5                   And the last thing -- let's see,  
6                   okay. The quota. Down the road we will be coming  
7                   back, I believe, when we put this into hopefully  
8                   rulemaking, to some kind of a base quota increase.  
9                   We did save documented 40 to 50 tons was caught by  
10                  plane assisted people in the general category.  
11                  That's back to the general category. There's two or  
12                  three things at work here that increase other  
13                  people's catch, and it seems only fair that since in  
14                  the past, 1, the planes have given up a lot, and in  
15                  the past they've flown on a lot more tonnage, that  
16                  something be done to help them out here from  
17                  someplace as appropriate. But that is down the line  
18                  other than a possible end of the season transfer  
19                  this year, if needed.

20                  I think that's really all that I can  
21                  say on it at this point. And if anybody had any  
22                  questions, I'd be happy to try to answer them,  
23                  although I don't know what I could really answer.  
24                  We hope it works again this year, and we'd

1 appreciate your support.

2 MODERATOR CHRISTOPHER ROGERS: Okay.

3 Thank you, Dave Linney. Let me just reemphasize  
4 for the panel that the nexus for this panel's  
5 consideration would be to advise the agency with  
6 respect to the fishery management plan; and as has  
7 been mentioned, if this agreement works to the  
8 satisfaction of participants in the fishery, that we  
9 do manage under the FMP, it seems that there would  
10 be an interest in changing the base allocations by  
11 category. And that certainly is the business of  
12 this panel to advise the agency on. So, that's one  
13 of the nexus of the -- what's the plural, the nexi?

14 I guess another issue would be with  
15 respect to how the underharvest and overharvest  
16 could be used from one season to the next, in  
17 support of this plan, which again doesn't have a  
18 basis in regulation.

19 Another concern that the agency has  
20 is although we're happy -- quite happy that  
21 something seems to have come to the floor that works  
22 in this matter, in this issue on plane use, just  
23 because it works doesn't mean that there's a basis  
24 in the law for implementing it. We'd have to



1       examine the eventual proposal made to the agency, as  
2       a Petition for Rulemaking, or as a recommendation  
3       from this panel, and conclude that it is within the  
4       purview of the agency, consistent with the Magnuson  
5       Act, to implement it.

6                So, it's not that I want to downplay  
7       its importance and significance, but that we do have  
8       to have some sense of how it furthers the objectives  
9       of the management plan in order to implement it.

10               With that, I'll turn it over to Ray,  
11       who's got some thoughts on this matter.

12               RAYMOND KANE: Thank you, Chris. On  
13       that paperwork I handed out earlier, if you folks  
14       would be so kind to look at Number 4, spotter  
15       aircraft will begin fishing July 1st and continue  
16       until 50 tons of ABT have been caught while they're  
17       in the air, i.e. if the non-plane harpoon boats go  
18       in June and catch 15 tons, it was always my belief  
19       that both the non-plane harpoon boats and the plane  
20       harpoon boats would fish through July until they hit  
21       the 50-ton TAC.

22               Right now, they only have 54 tons in  
23       the quota in order to keep that process going. They  
24       tie down the 30th of July once 50 ton has been

1 reached. I don't think it was explained as such.  
2 Then the non-plane harpoons can fish through August  
3 for the remaining four tons, and if that isn't  
4 caught, then the planes fly again September 1st.

5 Also being how it's Dave's group and  
6 my group who were in court, I'd like to mention here  
7 that General Category Tuna Association never agreed  
8 to a hundred ton increase for the harpoon quota. To  
9 get this deal done, or agreement for a regulatory  
10 amendment, we've agreed to moving their quota up to  
11 80 ton or asking National Marine Fisheries through  
12 regulatory amendment to move their quota to 80 ton,  
13 but we never agreed to a hundred ton quota for the  
14 harpoon category.

15 We want to get this done, and I guess  
16 the sooner the better. We've been at it probably  
17 for eight years, and as Dave already told you, along  
18 with Rich, we spent probably literally hundreds of  
19 thousands of dollars on this issue with the courts  
20 and lawyers. And this gentlemen's agreement seemed  
21 to have worked out last year, and the sooner it can  
22 be done, the better off we'll all be. If there's  
23 any questions, I'm here.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1       Dave has his hand up, but again I would remind the  
2 panel that insofar as it is the agency's  
3 understanding that there would be no request to  
4 codify at this time. It's really more of an  
5 informational discussion for the panel right now.  
6 Dave.

7                   DAVE LINNEY: Yeah, to reclarify  
8 Point 4, which maybe I didn't understand what Ray  
9 said, but the agreement is that everybody that  
10 fishes harpoon can fish the whole season, as long as  
11 the quota is open. It's just that a certain period  
12 of time, the boats that wish to can utilize  
13 airplanes after July 1st, and until a certain point.

14                   If ten tons is caught prior to July  
15 1st, then the planes would get up and fly until --  
16 if there were 60 tons available, which because of  
17 rollover it is this year -- then they would fly  
18 until there were 60 tons. So, they had been  
19 involved in 50 tons.

20                   Then they would tie down and if  
21 anything were left after September 1st, they would  
22 go up again as a mop-up. Does that -- did I explain  
23 myself clearly enough?

24                   RAYMOND KANE: Thank you.

1 MODERATOR CHRISTOPHER ROGERS: Okay.

2 We're just past 6 o'clock now, but if there's a few  
3 comments that folks have on it -- I see Louis and  
4 then Nelson and Glenn.

5 LOUIS DANIEL: Yeah, I certainly like  
6 to see conflict resolution. I guess I would have  
7 several questions. First would be where would that  
8 additional tonnage come from? And I would remind  
9 the agency that there is another petition that's  
10 ongoing, that we have addressed part of that, but  
11 the North Carolina petition for a South Atlantic  
12 winter fishery, we certainly see as a priority.

13 You know, so for whatever you need to  
14 do in order to resolve their conflicts with the  
15 spotter lane issues, I would not have any objection  
16 to that at all. But if -- I would -- I might have  
17 objections depending on where those fish come from.

18 MODERATOR CHRISTOPHER ROGERS: Okay.

19 Certainly understandable. Nelson Beideman.

20 NELSON BEIDEMAN: Yeah, just a  
21 question of the first speaker -- I believe it's  
22 Dave. On the 80 to 100 issue, there is a date  
23 given. What was that date?

24 DAVE LINNEY: (no microphone.) Date?

1       There's no date between -- 80 and 100 is we're not  
2       asking for anything right now because we're not  
3       ready to put it in rule. There's -- you know, we're  
4       not quite sure where we're going to come down on  
5       that. But as far as a date goes, it doesn't pertain  
6       to the 80 or 100.

7                   NELSON BEIDEMAN: Okay. Thank you.

8                   MODERATOR CHRISTOPHER ROGERS: Glenn  
9       Delaney.

10                  GLENN DELANEY: Thank you. I just  
11       want to say -- reiterate some of the sentiment that  
12       was behind this agreement, the need for this panel  
13       and the agency to do whatever it takes to see this  
14       agreement remain intact.

15                  I was one of the people that ended up  
16       on the Hill working this issue at one point. It was  
17       a very painful and destructive process. And I'm  
18       certainly one of the people that Dave Linney  
19       referred to who encouraged the industry at all costs  
20       to find a solution off the Hill and outside of  
21       court. And it's a wonderful, positive result, and  
22       we should all do what it takes to try to maintain  
23       its integrity.

24                  But I just want to say also,

1 following up on something that Rich did try to say,  
2 and that context is everything, Rich. I mean Chris.

3 And the context that I think Rich was trying to  
4 explain with regard to the purse seiners was that --  
5 you know, this was something that they entered into  
6 in the context of a management regime where they  
7 were permitted to take 25 percent tolerance on the  
8 73 to 81 inch fish.

9 And as you know, we discussed with  
10 you the inequities of that, the lack of measurable  
11 conservation and consequence of a 25 percent  
12 tolerance and what have you. And I just want to  
13 stress that that is an important context and a  
14 little sidebar to this whole agreement, and that is  
15 something that's before you to consider for the  
16 coming summer fishery. And so -- in the context of  
17 an experimental permit.

18 So, please keep that in mind that  
19 this is an integral part of this whole arrangement  
20 from their perspective. Thank you.

21 MODERATOR CHRISTOPHER ROGERS: Yes.  
22 And we will get into that discussion later on in the  
23 meeting. Any other points on spotter plane besides  
24 Rich?

1 (No response audible.)

2 MODERATOR CHRISTOPHER ROGERS: Always  
3 wants the last word. We'll give it to him and then  
4 we'll go have dinner.

5 RICHARD RUAIS: There might actually  
6 be one other quick word, but this is real quick. I  
7 just wanted to make it clear that there is broad  
8 support for this agreement between general category,  
9 North Shore Community Tuna Association, broad  
10 support among many of the board members of East  
11 Coast Tuna Association, and hopefully we'll be  
12 entertaining discussions of it with the Winter  
13 Bluefin Association.

14 We know that this thing is never  
15 going to get permanentized and avoid the other  
16 issues that are out there that need to be resolved,  
17 and we seem to be resolving them over a period of  
18 time. Sometimes it just requires sort of to have a  
19 bluefin tuna Monty Hall, you know, which door is  
20 this deal -- is this deal behind? And we have to  
21 get there.

22 MODERATOR CHRISTOPHER ROGERS: Okay.  
23 Just so Rich doesn't have the last word, we'll give  
24 it to Joe McBride. Dave.

1 JOSEPH MCBRIDE: (Inaudible) question  
2 from you earlier when he initially spoke. Where are  
3 these fish coming from to give to the harpoon -- I  
4 didn't hear your answer, if you gave one.

5 MODERATOR CHRISTOPHER ROGERS: Well,  
6 there is a limited quota that we have agreed to at  
7 the Commission. The fishery management plan  
8 embodies an allocation scheme for the limited quota  
9 in terms of percentage shares by category. So, an  
10 increase in one, it's a zero sum game, would have to  
11 come from the reserve or at the expense of another  
12 category. And that certainly is within the purview  
13 of this panel or these panels to advise us on, as to  
14 whether the allocation scheme needs to be revisited  
15 under the FMP.

16 JOSEPH MCBRIDE: Well, hopefully  
17 you're not even -- you're talking about saleable  
18 fish above 73 now? You're not talking about raiding  
19 the angling category and making angling category  
20 fish become giants in the fall, et cetera, et  
21 cetera, none of that stuff? You wouldn't do that.  
22 You did do that. Forget it.

23 MODERATOR CHRISTOPHER ROGERS: It  
24 depends on the advice we get from the committee and



1       how we consider that advice. Dave Linney, last  
2       comment before dinner.

3               DAVE LINNEY: Sorry, I didn't really  
4       get into the 25 -- what exempted fishery permit or  
5       whatever. I know you want to do it another time. I  
6       just want to say that the people in this meeting, we  
7       met with the seiners, and they presented a very good  
8       argument that had to do with conservation, with  
9       going -- having to go into Cape Cod Bay and a number  
10      of other things. I was probably the hardest sell on  
11      that, because I've been in this fishery a long time  
12      and I've sacrificed for a long time, not being able  
13      to do what I used to do back in the old days.

14             And they convinced me that this is a  
15      workable thing, along with the science that  
16      indicates that it's not going to affect -- you know,  
17      our getting to maximum sustainable yield in the time  
18      frame set up.

19             And we were all of a like mind on  
20      that when we came out of that meeting. They  
21      presented a very good argument and it was a very  
22      reasonable argument. Thank you.

23             MODERATOR CHRISTOPHER ROGERS: Okay.

24      Well, thanks to the entire panel for your

1       indulgence in extending the agenda to 6:10. Enjoy  
2       your evening in Silver Spring, and we're on as -- 8  
3       o'clock tomorrow? 8 o'clock tomorrow. So, get a  
4       good night's rest.

5  
6       WHEREUPON:

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8               THE MEETING WAS SUSPENDED AT 8:10 P.M.  
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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

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In witness whereof, I have set my hand and Notary Seal this 11th, day of October, 2004.

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PAUL T. WALLACE. Notary Public  
My Commission Expires

October 3, 2008

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